Congressional Record—Senate
July 28, 1999

SEC. 3. DEEMED IRAS UNDER EMPLOYER PLANS.
(a) In General.—Section 408 (relating to individual retirement accounts) is amended by redesignating subsection (q) as subsection (r) and inserting after subsection (p) the following new subsection:

"(q) DEEMED IRAS UNDER QUALIFIED EMPLOYER PLANS.—
"(1) GENERAL RULE.—If—
"(A) a qualified employer plan elects to allow employees to make voluntary employee contributions to a separate account or annuity established under the plan, and
"(B) under the terms of the qualified employer plan, such account or annuity meets the applicable requirements of this section or section 408A, for an individual retirement account or annuity,

then such account or annuity shall be treated for purposes of this title in the same manner as an individual retirement plan (and contributions to such account or annuity as contributions to an individual retirement plan). For purposes of subparagraph (B), the requirements of subsection (a)(5) shall not apply.

"(2) SPECIAL RULES FOR QUALIFIED EMPLOYER PLANS.—For purposes of this title—

"(A) a qualified employer plan shall not fail to be a qualified employer plan solely by reason of establishing and maintaining a program described in paragraph (1), and

"(B) any account or annuity described in paragraph (1), and any contribution to the account or annuity, shall not be subject to any requirement of this title applicable to a qualified employer plan or to the applicable requirements of this section in applying any such requirement to any other contributions under the plan.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED EMPLOYER PLAN.—The term "qualified employer plan" has the meaning given such term by section 72(p)(4).

"(B) VOLUNTARY EMPLOYER CONTRIBUTION.—The term "voluntary employer contribution" means any contribution (other than a mandatory contribution within the meaning of section 401(c)) (1), and

"(ii) with respect to which the individual has designated the contribution as a contribution to which this subsection applies.

(1) IN GENERAL.—Section 517 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1147) is amended by adding at the end of the following subsection:

"(q) AMENDMENT OF ERISA.—

"(i) by striking subsection (a)(2)(B) and inserting the following:

"(B) DEDUCTIONS.—With respect to each plan year beginning after December 31, 1999, the Secretary is required thereunder to consult and cooperate and shall not be Federal, State, or local government employees; "

"(ii) by striking subsection (b)(2) and inserting the following:

"(2) except that if, in any plan year beginning after December 31, 1999, an employer responsible for the plan does not maintain a program of the description set forth in paragraph (1), the contribution shall be treated as a contribution under this section if the employer maintains a program of the description set forth in paragraph (1).

"(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after December 31, 1999.

Amendment No. 1386
At the end of title XIV, insert:

SEC. 4. TECHNICAL CORRECTIONS TO SAVIOR ACT.

Section 517 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1147) is amended—

(1) in subsection (a), by striking "2001 and 2005" and inserting "2001, 2005, and 2009" in the month of September of each year involved; and

(2) in subsection (b), by adding at the end of the following new sentence: "To effectuate the purposes of this paragraph, the Secretary may enter into a cooperative agreement, pursuant to the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301 et seq.), with the American Savings Education Council;"

(3) in subsection (e)(2)—

(A) by striking "Committee on Labor and Human Resources" in subparagraph (B) and inserting "Committee on Health, Education, Labor, and Pensions;"

(B) by striking subparagraph (D) and inserting the following:

"(D) the Chairman and Ranking Member of the Subcommittee on Appropriations of the House of Representatives and the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate;"

(C) by redesigning subparagraph (G) as subparagraph (J); and

(D) by inserting after subparagraph (F) the following new subparagraphs:

"(G) the Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives;

"(H) the Chairman and Ranking Member of the Committee on Finance of the Senate;

"(I) the Chairmen and Ranking Member of the Committee on Employer-Employee Relations of the Committee on Education and the Workforce of the House of Representatives; and"

(4) in subsection (e)(3)(A)—

(A) by striking "There shall be no more than 250 additional participants" and inserting "The participants in the National Summit shall also include additional participants appointed under this subparagraph;"

(B) by striking subparagraph (B) and inserting "shall be appointed by the President," in clause (i) and inserting "not more than 100 participants shall be appointed under this clause by the President;" and by striking "and by striking "and" and inserting "."

(5) in subsection (e)(3)(B), by striking "January 31, 1998" in paragraph (1) and inserting "May 1, 2001, May 1, 2005, and May 1, 2009, for each of the subsequent summits, respectively;"

(6) in subsection (f)(1)(C), by inserting "no later than 90 days prior to the date of the commencement of the National Summit," after "comment;" in paragraph (1)(C); and

(7) in subsection (g), by inserting ".", in consultation with the congressional leaders specified in subsection (e)(2), after "report;"

(8) in subsection (i)—

(A) by striking "beginning on or after October 1, 1997" in paragraph (1) and inserting "2001, 2005, and 2009;" and

(B) by adding at the end of the following new paragraph:

"(3) RECEPTION AND REPRESENTATION AUTHORITY.—The Secretary is hereby granted reception and representation authority limited specifically to the National Summit. The Secretary shall use any private contributions received in connection with the National Summit to apply funds appropriated for purposes of the National Summit pursuant to this paragraph.

(9) in subsection (j)—

(A) by striking "shall enter into a contract on a sole-source basis" and inserting "may enter into a contract on a sole-source basis;" and

(B) by striking "fiscal year 1998" and inserting "fiscal years 2001, 2005, and 2009.""

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

THOMAS (AND ENZI) AMENDMENT NO. 1389
Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill, H.R. 2406, supra; as follows:

On page 5, line 13, strike the number "17,400,000" and insert in lieu thereof the number "140,000,000;"

On page 5, line 22, strike the number "17,400,000" and insert in lieu thereof "12,000,000;"

On page 13, line 8, strike the number "55,244,000" and insert in lieu thereof "90,244,000."

TAXPAYER REFUND ACT OF 1999

ABRAHAM (AND OTHERS) AMENDMENT NO. 1390
(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. HATCH, Mr. SHELBY, Mr. DeWINE, Mr. BLUMENTHAL, Mr. AKEMAN, Mr. HAMRICK, Mr. PIAZZA, Mr. JOHNSON, and Mr. JANETSON) submitted an amendment intended to be proposed by them to the bill, S. 1429, supra; as follows:

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

SEC. 11. PLACED-IN-SERVICE DEFINITION.

(a) Section 1205 is amended by redesigning subsection (d) as subsection (e) and inserting the following:

"(3) PLACED-IN-SERVICE.—The term "placed-in-service" means any event occurring—

"(A) in the case of a partnership or joint venture, on the date on which the partnership or joint venture produces or begins to produce income or gain;

"(B) in the case of an insured annuity, on the date of the purchase of the annuity; and

"(C) in the case of a plan, on the date on which substantial amounts of income are distributed to the beneficiaries of the plan;"
CONDITIONAL AMENDMENT NO. 1391
(Reserved to lie on the table.)
Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 1429, supra; as follows:
At the end of the bill add the following:
DIVISION II—ENERGY SECURITY TAX INCENTIVES
SEC. 1. DEPRÉCIATION TREATMENT OF DISTRIBUTED POWER PROPERTY.
(a) IN GENERAL.—Section 168(e)(3)(E) of the Internal Revenue Code (classifying certain property as 15-year property) is amended by striking the period at the end of clause (ii) and inserting, ‘‘and’’, and, and by adding the following new clause:
‘‘(iv) the term ‘distributed power property.’’
(b) CONFORMING AMENDMENTS.—(1) Section 168(e) is amended by adding at the end the following new paragraph:
‘‘(15) DISTRIBUTED POWER PROPERTY.—the term ‘distributed power property’ means property—
‘‘(A) which is used in the generation of electricity for primary use—
‘‘(i) in nonresidential real or residential rental property used in the taxpayer’s trade or business, or
‘‘(ii) in the taxpayer’s industrial manufacturing process or plant activity, with a rated total capacity in excess of 500 kilowatts,
‘‘(B) which also may produce usable thermal energy or mechanical power for use in a heating or cooling application, as long as at least 40 percent of the total useful energy produced consists of—
‘‘(i) with respect to assets described in subparagraph (A)(i), electrical power (whether sold or used by the taxpayer), or
‘‘(ii) with respect to assets described in subparagraph (A)(ii), electrical power (whether sold or used by the taxpayer) and thermal or mechanical energy used in the taxpayer’s industrial manufacturing process or plant activity,
‘‘(C) which is not used to transport primary fuel to the generating facility or to distribute energy within or outside of the facility, and
‘‘(D) where it is reasonably expected that not more than 50 percent of the produced electricity will be sold to, or used by, unrelated persons.
For purposes of subparagraph (B), energy output is determined on the basis of expected annual output levels, measured in British thermal units (Btu), using standard conversion factors established by the Secretary.’’
(2) Subparagraph (B) of section 168(g)(3) is amended by inserting after the item relating to subparagraph (E)(iii) in the table contained therein the following new line:
‘‘(E)(iv) 22’’.
(c) EFFECTIVE DATE.—The amendments made by this section are effective for property placed in service on or after the date of enactment.
SEC. 2. TAX CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.
(a) IN GENERAL.—Subpart E of part IV of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 46 the following new section:
‘‘SEC. 29A. ENERGY CREDIT.—
‘‘(a) In General.—For purposes of section 46, the energy credit for any taxable year is the amount equal to the energy percentage of the basis of such property placed in service during such taxable year.
‘‘(b) ENERGY PERCENTAGE.—
‘‘(1) IN GENERAL.—Except as otherwise provided in this subsection, the energy percentage is 10 percent.
‘‘(2) COMBINED HEAT AND POWER PROPERTY.—The energy percentage is 8 percent in the case of combined heat and power property.
‘‘(3) PERIOD FOR WHICH CREDIT IS ALLOWED FOR COMBINED HEAT AND POWER PROPERTY.—
In the case of combined heat and power property, the credit under subsection (a) shall be allowed only for the period beginning on January 1, 2001 and ending on December 31, 2002.
‘‘(4) COORDINATION WITH REHABILITATION.—
The energy percentage does not apply to that portion of the basis of any property which is attributable to qualified rehabilitation expenditures.
‘‘(5) TRANSITION RULES.—Rules similar to the rule of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this subsection
‘‘(c) ENERGY PROPERTY DEFINED.—
‘‘(1) IN GENERAL.—For purposes of this subsection, the term ‘energy property’ means any property—
‘‘(A) which is—
‘‘(i) solar energy property,
‘‘(ii) geothermal energy property, or
‘‘(iii) combined heat and power system property,
‘‘(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer,
‘‘(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer,
‘‘(C) with respect to which deprecation (or amortization in lieu of deprecation) is allowable, and
‘‘(D) which meets—
‘‘(i) the performance and quality standards (if any), and the requirements (if any), which have been prescribed by the Secretary by regulations (after consultation with the Secretary of Energy or the EPA Administrator, as appropriate), and
‘‘(ii) are in effect at the time the property is placed in service.
‘‘(2) EXCEPTION.—Such term shall not include any property which is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990), the proceeds from which shall not apply to combined heat and power system property.
‘‘(d) DEFINITIONS RELATING TO TYPES OF ENERGY PROPERTY.—For purposes of this section—
‘‘(1) SOLAR ENERGY PROPERTY.—The term ‘solar energy property’ means equipment which uses solar energy to provide energy for use in a structure, or
‘‘(A) to generate electricity,
‘‘(B) to heat or cool (or provide hot water for use in) a structure, or
‘‘(C) to provide process heat.
‘‘(2) GEOTHERMAL ENERGY PROPERTY.—The term ‘geothermal energy property’ means equipment used to produce, distribute, or use energy derived from thermal deposits (within the meaning of section 613(c)(2), but only, in the case of electricity generated by geothermal power, up to but not including the electrical transmission stage).
‘‘(3) COMBINED HEAT AND POWER SYSTEM PROPERTY.—
‘‘(A) IN GENERAL.—The term ‘combined heat and power system property’ means property comprising a system—
‘‘(i) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),
‘‘(ii) which has an electrical capacity of more than 50 kilowatts or a mechanical energy capacity of more than 67 horsepower or more than 67,000 Btu per hour (or a combination thereof),
‘‘(B) SPECIAL RULES.—
‘‘(i) ENERGY EFFICIENCY PERCENTAGE.—For purposes of subparagraph (A)(iv), the energy efficiency percentage of a system is the fraction—
‘‘(A) in which the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and
‘‘(B) of which is the denominator of which is the lower heating value of the primary fuel source for the system.
‘‘(ii) DETERMINATIONS MADE ON BTU BASIS.—
‘‘(A) IN GENERAL.—For purposes of subparagraph (A)(ii), the energy efficiency percentage and the percentages under subparagraph (A)(iii) shall be determined on a Btu basis.
‘‘(iii) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term ‘combined heat and power system property’ does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.
‘‘(4) ACCOUNTING RULE FOR PUBLIC UTILITY PROPERTY.—In the case that combined heat and power system property is public utility property as defined in section 46(f)(1) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990, the taxpayer may claim the credit under subsection (a)(1) only, if with respect to such property, the taxpayer uses a normalization method of accounting.
‘‘(5) DEPRECIATION.—No credit shall be allowed for any combined heat and power system property unless the taxpayer elects to treat such property for purposes of section 168 as having a class life of not less than 22 years.
‘‘(e) SPECIAL RULES.—For purposes of this section—
‘‘(1) SPECIAL RULE FOR PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING OR INDUSTRIAL DEVELOPMENT BONDS.—
‘‘(A) REDUCTION OF BASIS.—For purposes of applying this section, the basis of such property shall not exceed the amount which (but for this subparagraph) the
The document appears to be a legislative text, likely from the United States Congress, discussing amendments to the tax code. Specific sections and subsections of the Internal Revenue Code (IRC) are referenced, indicating an amendment process for tax-related credits and investments. The text includes various clauses, definitions, and references to previous sections and codes, such as Section 46 for the reforestation credit, Section 48A for the biotechnology investment credit, and 48A(c)(2) for the energy credit. The text is technical and legal, with references to specific periods, percentages, and financial terms.

Amendments are proposed to the existing statutes, indicating changes in the law. For instance, one section mentions the 'biotechnology investment tax credit' and its calculation, including the percentage of qualified investment and the context in which it can be carried back. The text also references specific dates and fiscal years, such as the Revenue Reconciliation Act of 1990 and the Energy Policy Act of 1990, which are relevant to the fiscal years 1990 and 1991.

The document is structured to be read by a congressional committee or a legislative body, with provisions for passing amendments to the tax code, ensuring that the changes align with the intended economic and political goals.
CONGRESSIONAL RECORD—SENATE 18315

July 28, 1999

AMENDMENT NO. 1394
On page 235, strike lines 15 through 19, and insert:

(A) In GENERAL.—Clause (i) of section 283(c)(8)(A) (defining land subject to a conservation easement) is amended—

(1) by inserting “25 miles” after “10 miles”; and

(2) by striking “10 miles” and inserting “25 miles”.

SESSIONS (AND OTHERS) AMENDMENT NO. 1395
(ordered to lie on the table.)

Mr. Sessions (for himself, Mr. Coverdell, and Mr. Craig) submitted an amendment intended to be proposed by him to the bill, S. 1429, supra; as follows:

On page 371, between lines 16 and 17, insert the following:

SEC. 179. CAPITAL GAIN TREATMENT UNDER SECTION 1202(b) TO APPLY WHETHER OR NOT SELLER RETAINS ECONOMIC INTEREST.

(a) In GENERAL.—(1) Subsection (b) of section 1202 (relating to capital gains realized from the sale of capital assets) is amended—

(A) by inserting “25 miles” after “10 miles”;

(B) by inserting “25 miles” after “10 miles”;

(C) by striking “25 miles” and inserting “10 miles”;

(D) by striking “10 miles” and inserting “25 miles”.

LEAHY AMENDMENT NO. 1396
(ordered to lie on the table.)

Mr. Leahy submitted an amendment intended to be proposed by him to the bill, S. 1429, supra; as follows:

At the end of title XI, insert the following:

SEC. 132. COSTS OF MAKING COMPUTERS AND COMPUTER SOFTWARE YEAR 2000 COMPLIANT.

(a) In GENERAL.—

(1) Property PLACED IN SERVICE IN 1999.—A taxpayer may elect to treat the cost of a business Y2K asset placed in service during the taxpayer’s first taxable year beginning in 1999 as an expense which is not chargeable to capital account. The cost so treated shall be allowed as a deduction under subsection (a) of section 179 of such Code, and shall be treated in the same manner as a deduction allowed under section 179 of such Code.

(2) Property PLACED IN SERVICE IN 1997 OR 1998.—A taxpayer may elect to deduct from gross income an amount equal to the unrecovered basis of a business Y2K asset placed in service during the 2 taxable years preceding the first taxable year beginning in 1999 and which is otherwise subject to depreciation under such Code.

(b) LIMITATIONS.—

(1) In GENERAL.—The aggregate amount allowed as a deduction under subsection (a) shall not exceed $40,000.

(2) Application OF BUSINESS LIMITATIONS OF SECTION 179.—Rules similar to the rules of paragraphs (2), (3), and (4) of section 179(b) of such Code shall apply for purposes of this section. For purposes of the preceding sentence, the cost of property to which the limitation in paragraph (2) of such section 179(b) applies shall be:

(A) the amounts elected under subsection (a)(1) with respect to property placed in service during the taxpayer’s first taxable year beginning in 1999;

(B) the amounts elected under subsection (a)(2) with respect to the unrecovered basis of business Y2K assets placed in service during the 2 taxable years preceding the first taxable year beginning in 1999; and

(C) the amounts elected under subsection (a)(3) of such section 179(b) for property placed in service during the 2 taxable years preceding the first taxable year beginning in 1999.

SEC. 02. AUTHORIZATION OF APPROPRIATIONS.

(a) In GENERAL.—There is authorized to be appropriated to carry out this title (other than sections 10, 11, 12, 13, and 14) $1,000,000,000 for each of fiscal years 2001 through 2003.

(b) EVALUATION.—There is authorized to be appropriated to carry out section 10 $3,000,000 for fiscal year 2001; and $1,000,000 for each of fiscal years 2002 and 2003.

SEC. 03. PROGRAM AUTHORITY.

(a) In GENERAL.—The Secretary shall make grants to States, from allotments made under section 02, to carry out educational choice programs that provide scholarships, in accordance with this title.

(b) LIMIT ON FEDERAL ADMINISTRATIVE EXPENDITURES.—The Secretary may reserve not more than $1,000,000 of the amounts appropriated under section 02(a) for a fiscal year to pay for the costs of administering this title.

SEC. 04. ALLOTMENTS TO STATES.

(a) ALLOTMENTS.—The Secretary shall make allotments to States in accordance with a formula specified in regulations issued in accordance with subsection (b). The formula shall provide that the Secretary shall allot to each State an amount that bears the same relationship to the amounts appropriated under section 02(a) for a fiscal year (other than funds reserved under section 02(b) as the number of covered children in the State bears to the number of covered children in all such States.

(b) FORMULA.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations specifying the formula referred to in subsection (a).

(c) LIMIT ON STATE ADMINISTRATIVE EXPENDITURES.—The State may reserve not more than 1 percent of the funds made available through the State allotment to pay for the costs of administering this title.

(d) DETERMINATION.—In the case of appropriations to carry out this title, the term “covered child” means a child who is enrolled in a public school (including a charter school) that is an elementary school or secondary school.

SEC. 05. ELIGIBLE SCHOOLS.

(a) ELIGIBILITY.—

(1) IN GENERAL.—Schools identified by a State under paragraph (2) shall be considered to be eligible schools under this title.

(2) DETERMINATION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall determine the academic performance of a school under this section based on such criteria as the Secretary may consider to be appropriate.

SEC. 06. SCHOLARSHIPS.

(a) SpELlShOoTS AMOUNT.—The amount of each scholarship shall be $2000 per year.

B) access to the same academic options as parents in wealthy families have for their children.

C) choice among public, private, and religious schools for their children.

D) access to the same academic options as parents in wealthy families have for their children.
CONGRESSIONAL RECORD—SENATE
July 28, 1999
18316
(3) TAX EXEMPTION.—Scholarships awarded under this title shall not be considered income of the parents for Federal income tax purposes or for determining eligibility for any other Federal program.

(b) Beginning in the Chilluns.—To be eligible to receive a scholarship under this title, a child shall be—
(1) a child who is enrolled in a public elementary school or secondary school that is an eligible school; and
(2) a member of a family with a family income that is not more than 200 percent of the poverty line.

(c) AWARD RULES.—
(1) PRIORITY.—In providing scholarships under this title, the State shall provide scholarships for eligible children through a lottery system administered for all eligible schools in the State by the State educational agency.

(2) CONTINUING ELIGIBILITY.—Each State receiving a grant under this title to carry out an educational choice program shall provide a scholarship in each year of the program to each child who received a scholarship during the previous year of the program, unless—
(A) the child no longer resides in the area served by the school;
(B) the child no longer attends school;
(C) the child's family income exceeds, by 20 percent or more, 200 percent of the poverty line; or
(D) the child is expelled or convicted of a felony, including felonious drug possession, possession of a weapon on school grounds, or a violent act against an other student or a member of the school's faculty.

SEC. 07. USES OF FUNDS.
Any scholarship awarded under this title for a year shall be used—
(1) first, for—
(A) the payment of tuition and fees at the school selected by the parents of the child for whom the scholarship was provided; and
(B) the reasonable costs of the child's transportation to the school, if the school is not the school to which the child would be assigned in the absence of a program under this title;
(2) second, if the parents so choose, to obtain supplemental academic services for the child, at a cost of not more than $500, from any provider chosen by the parents, that the State determines is capable of providing such services and has an appropriate refund policy; and
(3) finally, for educational programs that help the eligible child achieve high levels of academic excellence in the school attended by the eligible child, if the eligible child chooses to attend a public school.

SEC. 08. STATE REQUIREMENT.
A State that receives a grant under this title shall allow lawfully operating public and private elementary schools and secondary schools, including religious schools, if any, to participate in a program involved to participate in the program.

SEC. 09. EFFECT OF PROGRAMS.
(a) TITLE I.—Notwithstanding any other provision of law, if a local educational agency in the State would, in the absence of an educational choice program that is funded under this title, provide services to a participating school child under part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.), the State shall cover the provision of such services to such child.

(b) INDIVIDUALS WITH DISABILITIES.—Nothing in this title shall be construed to affect the rights and responsibilities of individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.).
SECT. 25.—SUGAR PROGRAM.
PRELIMINARY. Title.—Social Security Surplus Preservation and Debt Reduction Act

SEC. 01. SHORT TITLE. This title may be cited as the “Social Security Surplus Preservation and Debt Reduction Act of 1985.”

SEC. 02. FINDINGS. Congress finds that—

(1) deficit in the financial year 1985 was entirely due to surpluses generated by the social security trust funds and that the cumulative unified budget surplus generated for fiscal year 1985 is primarily due to surpluses generated by the social security trust funds; and

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds; and

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the deficit held by the public by a total of $1,859,500,000,000 by the end of fiscal year 1999.

SEC. 03. PROVISIONS OF THE SOCIAL SECURITY TRUST FUNDS.

(a) Protection by Congress. —

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 1301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President for the fiscal year 1999, but that social security surpluses should be used for social security reform or to reduce the deficit held by the public and should not be spent on other programs.

(2) TERMINATION OF MARKETING QUOTAS AND ALLOWMENTS.—

(A) DESIGNATED NONBASIC AGRICULTURAL COMMODITIES.—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking “milk, sugar beets, and sugarcane” and inserting “and milk”.

(B) POWERS OF COMMODITY CREDIT CORPORATION.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting after “agricultural commodities” the following: “(other than sugar)”.

(C) SECTION 32 ACTIVITIES.—Section 32 of the Act of August 24, 1935 (49 Stat. 794, chapter 614, 7 U.S.C. 124 et seq.) is amended in the second sentence of the first paragraph—

(i) in paragraph (1), by inserting “(other than sugar)” after “commodities” and

(ii) in paragraph (3), by inserting “(other than sugar)” after “commodity”.

(4) TRANSITION PROVISIONS.—This subsection and the amendments made by this subsection shall not affect the liability of any person under any provision of law as in effect before the application of this section and the amendments made by this subsection.

(5) CROPS.—This subsection and the amendments made by this subsection shall apply beginning with the 2003 crop of sugar beets and sugarcane.

ABRAHAM (AND OTHERS)

AMENDMENT NO. 1398

Mr. ABRAHAM (for himself, Mr. DOMENICI, Mr. ASHCROFT, Mr. CRAPO, Mr. ENRUMAN, Mr. GRAMAS, Mr. ALLARD, Mr. FRIST, and Mr. COVER- 

DELL) proposed an amendment to the bill, S. 1429, supra; as follows:

At the end of the bill, add the following:

“(d) the deficit for a fiscal year results from the enactment of—

(1) social security reform legislation, as defined in section 233A(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985, or

(2) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.”

(2) TERMINATION OF MARKETING QUOTAS AND ALLOWMENTS.—

(B) by redesigning subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately;

(2) by redesigning paragraphs (g) and (h);

(3) by redesigning subsections (h) and (i) as subsections (g) and (h), respectively.

(b) ELIMINATION OF SUGAR PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law,

(A) a processor of any of the 2003 or subsequent crops of sugar beets or sugar beets shall not be eligible for a loan under any provision of law with respect to the crop; and

(B) the Secretary of Agriculture may not make price support available, whether in the form of a loan, payment, purchase, or other operation, for any of the 2003 and subsequent crops of sugar beets by using the funds of the Commodity Credit Corporation or other funds available to the Secretary.

(2) TERMINATION OF MARKETING QUOTAS AND ALLOWMENTS.—

(A) DESIGNATED NONBASIC AGRICULTURAL COMMODITIES.—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking “milk, sugar beets, and sugarcane” and inserting “and milk”.

(B) POWERS OF COMMODITY CREDIT CORPORATION.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting after “agricultural commodities” the following: “(other than sugar)”.

(C) SECTION 32 ACTIVITIES.—Section 32 of the Act of August 24, 1935 (49 Stat. 794, chapter 614, 7 U.S.C. 124 et seq.) is amended in the second sentence of the first paragraph—

(i) in paragraph (1), by inserting “(other than sugar)” after “commodities” and

(ii) in paragraph (3), by inserting “(other than sugar)” after “commodity”.

(4) TRANSITION PROVISIONS.—This subsection and the amendments made by this subsection shall not affect the liability of any person under any provision of law as in effect before the application of this section and the amendments made by this subsection.

(5) CROPS.—This subsection and the amendments made by this subsection shall apply beginning with the 2003 crop of sugar beets and sugarcane.
"SEC. 25AA. DEBT HELD BY THE PUBLIC LIMIT.

(1) The debt held by the public shall not exceed—

(a) for the period beginning May 1, 2000 through April 30, 2001, $3,618,000,000,000;

(b) for the period beginning May 1, 2001 through April 30, 2002, $3,488,000,000,000;

(c) for the period beginning May 1, 2002 through April 30, 2003, $3,349,000,000,000;

(d) for the period beginning May 1, 2003 through April 30, 2004, $3,145,000,000,000;

(e) for the period beginning May 1, 2004 through April 30, 2005, $2,968,000,000,000; and,

(f) for the period beginning May 1, 2005 through April 30, 2006, $2,301,000,000,000.

(2) AMENDMENT.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

"(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall make the following calculations:

(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

(ii) each subsequent limit.

"(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

(ii) each subsequent limit.

"(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

"(D) ADJUSTMENT TO THE LIMIT ON THE DEBT HELD BY THE PUBLIC.—If the social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for the relevant fiscal years included in the report referenced in paragraph (1)(C).

"(1) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(2) SOCIAL SECURITY REFORM LEGISLATION.—The term 'social security reform legislation' means legislation that—

"(A) implements structural social security reform and significantly extends the solvency of the Social Security Trust Funds.

"(B) includes a provision stating the following: For purposes of the Social Security Surplus Preservation and Debt Reduction Act of 1999, this Act constitutes social security reform legislation.

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

SEC. 66. SENSE OF THE SENATE.

It is the sense of the Senate that the Congressional budget plan has $505,000,000,000 over ten years in unallocated budget surpluses that could be used for long-term Medicare reform, other priorities, or debt reduction.

(1) the Congressional budget plan for fiscal year 2000 already has set aside $90,000,000,000 over ten years through a re-serve fund for long-term Medicare reform including prescription drug coverage.

(2) the President estimates that his Medicare proposal will cost $46,000,000,000 over 10 years.

(3) therefore, the President estimates that his Medicare proposal will cost $46,000,000,000 over 10 years.

(4) thus the Congress shall provide more than adequate resources for Medicare reform, including prescription drug coverage.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congressional budget resolution for fiscal year 2000 provides a sound framework for allocating resources to Medicare to modernize Medicare benefits, improve the solvency of the program, and improve coverage of prescription drugs.

SEC. 67. SUNSET.

This title and the amendments made by this title shall expire on April 30, 2010.

ABRAHAM (AND WYDEN) AMENDMENT NO. 1399

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill, S. 1429, supra; as follows:

On page 571, between lines 16 and 17, insert: SEC. 3. EXPANSION OF EXPANSION OF DE manners for schools.

"(a) EXCLUSION OF AGE-ELIGIBLE COMMUNITY SERVICES.—Section 300 of the Act (20 U.S.C. 1401) is amended by adding the following: "(c) FUNDING FOR TECHNOLOGICAL INNOVATIONS.—Section 170(e)(6)(B)(ii) (defining "computer donations to schools" shall be increased by $505,000,000,000 over the period of years beginning with calendar year 2000—"(2) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

"(ii) each subsequent limit.

"(c) ADJUSTMENT TO THE LIMIT FOR FEDERAL DISABILITY INSURANCE TRUST FUND.

"(1) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

"(ii) each subsequent limit.

"(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

"(D) ADJUSTMENT TO THE LIMIT ON THE DEBT HELD BY THE PUBLIC.—If the social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for the relevant fiscal years included in the report referenced in paragraph (1)(C).

"(1) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(2) SOCIAL SECURITY REFORM LEGISLATION.—The term 'social security reform legislation' means legislation that—

"(A) implements structural social security reform and significantly extends the solvency of the Social Security Trust Funds.

"(B) includes a provision stating the following: For purposes of the Social Security Surplus Preservation and Debt Reduction Act of 1999, this Act constitutes social security reform legislation.

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

SEC. 66. SENSE OF THE SENATE.

It is the sense of the Senate that the Congressional budget plan has $505,000,000,000 over ten years in unallocated budget surpluses that could be used for long-term Medicare reform, other priorities, or debt reduction.

(1) the Congressional budget plan for fiscal year 2000 already has set aside $90,000,000,000 over ten years through a reserve fund for long-term Medicare reform including prescription drug coverage.

(2) the President estimates that his Medicare proposal will cost $46,000,000,000 over 10 years.

(3) therefore, the President estimates that his Medicare proposal will cost $46,000,000,000 over 10 years.

(4) thus the Congress shall provide more than adequate resources for Medicare reform, including prescription drug coverage.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congressional budget resolution for fiscal year 2000 provides a sound framework for allocating resources to Medicare to modernize Medicare benefits, improve the solvency of the program, and improve coverage of prescription drugs.

SEC. 67. SUNSET.

This title and the amendments made by this title shall expire on April 30, 2010.
(1) by striking "2 years" and inserting "3 years".

(2) by inserting "for the taxpayer's own use" after "constructed by the taxpayer".

(b) REACQUIRED COMPUTERS ELIGIBLE FOR DONATIONS.—Section 170(e)(6)(B)(iii) (defining qualified elementary or secondary educational contribution) is amended by inserting "or secondary educational contribution" after "acquired".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years ending after the date of the enactment of this Act.

SEC. 4. CREDIT FOR COMPUTER DONATIONS TO SCHOOLS. (a) IN GENERAL.—Subpart D of part IV of chapter A of chapter 1, as amended by this Act, is amended by adding at the end the following:

""SEC. 45E. CREDIT FOR COMPUTER DONATIONS TO SCHOOLS. 

(a) GENERAL RULE.—For purposes of this section, the term 'qualified elementary or secondary educational contribution' has the meaning given such term by section 170(e)(2)(B)(iii) only if computer software (as defined in section 197(e)(3)(B)) that serves as a computer operating system has been lawfully installed in such computer.

(b) QUALIFIED ELEMENTARY OR SECONDARY EDUCATIONAL CONTRIBUTION.—For purposes of this section, the term 'qualified elementary or secondary educational contribution' has the meaning given such term by section 170(e)(6)(B), except that such term shall include the contribution of a computer (as defined in section 168(k)(9)(B)(i)) only if computer software (as defined in section 197(e)(3)(B)) that serves as a computer operating system has been lawfully installed in such computer.

(c) INCREASED PERCENTAGE FOR CONTRIBUTIONS TO SCHOOLS IN EMPOWERMENT ZONES, ENTERPRISE COMMUNITIES, AND INDIAN RESERVATIONS.—In the case of a qualified elementary or secondary educational contributions made by the taxpayer during the taxable year:

(1) the percentage specified in section 170(e)(6)(B) shall be increased to 50 percent.

(2) the percentage specified in section 170(e)(6)(B) shall be increased to 50 percent.

(d) LIMITATION ON CARRYBACK.—Subsection (d) of section 45E(c) (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

""(9) No carryback of school computer donation credit before effective date. —No amount of unused business credit available under section 45E may be carried back to a taxable year beginning before the date of the enactment of this Act.

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by striking after the item relating to section 72(c)(1), and inserting the following:

""Sec. 45E. Credit for computer donations to schools.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions made in taxable years beginning after the date of the enactment of this Act.

(2) CERTAIN CONTRIBUTIONS.—The amendments made by this section shall apply to contributions made in a taxable year beginning after the date of the enactment of this paragraph.

KERRY AMENDMENT NO. 1400

(Ordered to be lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 1429, supra; as follows:

At the end of title XI, add the following:

""SEC. 4. LOANS USED TO ACQUIRE PRINCIPAL RESIDENCES FOR FIRST-TIME HOMEBUYERS. 

(a) LOANS USED TO ACQUIRE PRINCIPAL RESIDENCES FOR FIRST-TIME HOMEBUYERS. —

(1) INDIVIDUAL RETIREMENT PLANS.—Section 408(e)(6) (relating to tax treatment of accounts and annuities) is amended by adding at the end thereof the following new paragraph:

""(8) LOANS USED TO PURCHASE A HOME FOR FIRST-TIME HOMEBUYERS. —

(1) IN GENERAL.—Paragraph (3) shall not apply to any qualified home purchase loan made by an individual retirement plan.

(2) QUALIFIED HOME PURCHASE LOAN.—For purposes of this paragraph, the term "qualified home purchase loan" means a loan—

(i) that is made by an individual retirement plan at the direction of the individual on whose behalf such plan is established and subject to section 72(t)(1), and

(ii) which bears interest from the date of the loan at a rate not less than 2 percentage points below, and not more than 2 percentage points above, the rate for comparable United States Treasury obligations on such date.

Nothing in this paragraph shall be construed to require such a loan to be secured by the dwelling unit.

(b) PROHIBITED TRANSACTIONS.—Section 4975(d) (relating to exemptions from tax on prohibited transactions) is amended by striking "or" or "or" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting "; or", and by inserting after paragraph (15) the following new paragraph:

""(16) any loan that is a qualified home purchase loan (as defined in section 408(e)(7)(B))."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to loans made in years after 2001.

ROBB (AND OTHERS) AMENDMENT NO. 1401

Mr. ROBB (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. MIKULSKI, Mrs. MURRAY, and Mr. BRYAN) proposed an amendment to the bill, S. 1429, supra; as follows:

(iv) which by its terms requires repayment no later than 1 year after the date of acquisition of the dwelling unit, or

(v) which by its terms requires repayment no later than 1 year after the date of acquisition of the dwelling unit, or

(vi) which by its terms requires repayment no later than 1 year after the date of acquisition of the dwelling unit, or
At the end add the following:

TITLE XVI—DELAY IN EFFECTIVE DATE

Notwithstanding any other provision of, or amendment made by, this Act, no such provision or amendment shall take effect until legislation has been enacted that extends the solvency of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund under section 201 of the Social Security Act through 2075 and the Federal Hospital Insurance Trust Fund under Part A of title XVIII of such Act through 2027.

KERRY AMENDMENT NO. 1402
(Ordered to be lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 1429, supra; as follows:

On page 371, between lines 16 and 17, insert the following:

SEC. 1122. DISCLOSURE OF TAX INFORMATION TO FACILITATE COMBINED EMPLOYER TAX REPORTING.

Section 6103(d)(5) of the Internal Revenue Code of 1986 is amended to read as follows:

"(5) DISCLOSURE FOR COMBINED EMPLOYMENT TAX REPORTING—The Secretary may disclose taxpayer identity information and signatures to any agency, body, or commission of any State for the purpose of carrying out with such agency, body, or commission a combined Federal and State employment tax reporting program approved by the Secretary. Subsections (a)(2) and (p)(4) and sections 7221A shall not apply with respect to disclosures or inspections made pursuant to this paragraph."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, July 28, 1999, to conduct a hearing on the monetary policy report to Congress pursuant to the Full Employment and Balanced Growth Act of 1978.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 28, 1999, at 2:15 p.m. on fraud against seniors.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, July 28, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 28, 1999 at 11:00 a.m. to hold a business meeting.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, July 28, 1999, at 9:30 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, July 28, 1999 at 9:30 a.m. to conduct a hearing on S. 979, Tribal Self-Governance Amendments of 1999. The hearing will be held in room 485, Russell Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for a hearing re Combating Methamphetamine Proliferation in America, during the session of the Senate on Wednesday, July 28, 1999, at 10 a.m., in SD–628.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 28, 1999 at 9:30 a.m. to receive testimony on the operations of the Smithsonian Institution.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRAMS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 28, 1999 at 2 p.m. to hold a closed hearing on intelligence matters.

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

COMMITTEE ON WATER AND POWER

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, July 28, for purposes of conducting a Subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 624, a bill to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes; S. 986, a bill to direct the Secretary of the Interior to convey the Griffith Project to the Southern Nevada Water Authority; S. 1211, a bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner; S. 1275, a bill to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales to the Colorado River Dam fund; and S. 1236, a bill to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho; and S. 1377, a bill to amend the Central Utah Project Completion Act regarding the use of funds for water development for the Bonneville Unit, and for other purposes.

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

ADDITIONAL STATEMENTS

RETIREMENT OF COLONEL STEPHEN MCCARTNEY, LIEUTENANT COLONEL JACK MCMAHON, AND FIRST SERGEANT THOMAS SCALAVINO

Mr. CHAFEE. Mr. President, on July 31, friends and colleagues will gather at the U.S. Naval War College to honor Colonel Stephen McCartney, Lieutenant Colonel Jack McMahon, and First Sergeant Thomas Scalavino who are retiring from Marine Corps Reserves. Accordingly, I want to pay tribute to these three distinguished gentlemen from Rhode Island as they embark on the next phase of their private lives.

As many know, I had the privilege of commanding a marine rifle company in Korea in the fall of 1951 and winter of 1952. During that time, I came away with tremendous respect for each officer and enlisted man. They were courageous and displayed extraordinary endurance. I have never forgotten the