Resolved. That the United States Senate commend Stephen G. Blye for his exemplary service to the Senate and the Nation; wishes to express its deep appreciation for his long, faithful and outstanding service; and extends its very best wishes upon his retirement.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to Stephen G. Blye.

SENATE RESOLUTION 241—TO DIRECT THE SENATE COMMISSION ON ART TO RECOMMEND TO THE SENATE TWO OUTSTANDING INDIVIDUALS WHOSE PAINTINGS SHALL BE PLACED IN TWO OF THE REMAINING UNFILLED SPACES IN THE SENATE RECEPTION ROOM

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 241

Whereas the reception room in the Capitol outside the Senate Chamber was originally designed to commemorate likenesses of outstanding Americans;

Whereas there are at present 6 unfilled spaces in the Senate reception room for such medallions; and

Whereas it is in the public interest to accomplish the original objective of the design of the Senate reception room by selecting individuals who were outstanding Senators with a deep appreciation for the Senates of the outstanding Americans;

the Senate, who will serve as role models for future Americans; Now, therefore, be it

Resolved. That (a) the Senate Commission on Art established under section 901 of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188b) (referred to as the "Commission") shall select 2 outstanding individuals whose portraits will be placed in 2 of the remaining unfilled spaces in the Senate reception room, upon approval by the Senate.

(b)(1) The Commission shall select individuals from among Senators, without consideration to party affiliation, who have not served as a Senator in the last 21 years. The Commission shall not select a living individual.

(2) The Commission shall consider first those Senators who are not already commemorated in the Capitol or Senate Office Buildings, although such commemoration shall serve as an absolute bar to consideration or selection only for those who have served as President of the Senate, as the latter are visible and appropriately commemorated through the Vice Presidential bust collection.

(3) The Commission also shall give primary consideration to the service of the Senator while in the Senate, as opposed to other service to the United States.

(c) The Commission is authorized to seek advice and recommendations from historians and other sources in carrying out this resolution.

Scc. 2. The Commission shall make its selection of a recommendations pursuant to the first section no later than the close of the second session of the 106th Congress.

Scc. 3. For purposes of making the recommendations required by this resolution, a member of the Commission may designate another Senator to act in place of that member.

AMENDMENTS SUBMITTED

INTERNET GAMBLING

PROHIBITION ACT OF 1999

KYL (AND BRYAN) AMENDMENT NO. 2782

Ms. COLLINS (for Mr. KYL (for himself and Mr. BRYAN)) proposed an amendment to the bill (S. 692) to prohibit Internet gambling, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Gambling Prohibition Act of 1999".

SEC. 2. PROHIBITION ON INTERNET GAMBLING.

(a) In general.—Chapter 50 of title 18, United States Code, is amended by adding at the end the following:

"1085. Internet gambling"

"(a) Definitions.—In this section:

"(1) Bets or Wagers.—The term 'bets or wagers' means the staking or risking by any person of something of value upon the outcome of a contest or game, or a sporting event, or a game of chance, upon an understanding or agreement that person or another person will receive something of value based on the outcome;

"(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);

"(C) includes any scheme of a type described in section 3702 of title 29; and

"(D) does not include—


"(ii) a transaction on or subject to the rules of a contract market designated pursuant to section 7 of the Commodity Exchange Act (7 U.S.C. 7);

"(iii) a contract of indemnity or guarantee; or

"(iv) a contract for life, health, or accident insurance.

"(2) Closed-loop subscriber-based service.—The term 'closed-loop subscriber-based service' means any information service or system that uses—

"(A) a device or combination of devices—

"(i) expressly authorized and operated in accordance with the laws of a State, exclusively for placing, receiving, or otherwise making a bet or wager described in subparagraph (A); and

"(ii) by which a person located within a State must subscribe and be registered with the provider of the wagering service by name, address, and appropriate billing information to be authorized to place, receive, or otherwise make a bet or wager, and must be physically located within that State in order to be authorized to do so;

"(B) an electronic customer verification and age verification system, expressly authorized and operated in accordance with the laws of the State in which it is located, to ensure that the recipient is at least 21 years of age and meets other applicable Federal and State legal and regulatory requirements for lawful gambling are met; and

"(C) appropriate data security standards to prevent unauthorized access by any person who has not subscribed or who is a minor;

"(3) Foreign Jurisdiction.—The term 'foreign jurisdiction' means a jurisdiction of a foreign country or political subdivision thereof.

"(4) Gambling business.—The term 'gambling business' means a business that is conducted at a gambling establishment, or that—

"(i) involves—

"(I) the placing, receiving, or otherwise making of bets or wagers; or

"(II) the offering to engage in the placing, receiving, or otherwise making of bets or wagers;

"(ii) involves 1 or more persons who conduct, finance, manage, supervise, direct, or own all or part of such business; and

"(iii) has been or remains in substantially continuous operation for a period in excess of 10 days or has a gross revenue of $2,000 or more from such business during any 24-hour period; and

"(B) any soliciting agent of a business described in subparagraph (A).

"(5) Information assisting in the placing of a bet or wager.—The term 'information assisting in the placing of a bet or wager' means—

"(A) means information that is intended by the sender or recipient to be used by a person engaged in the business of betting or wagering to place, receive, or otherwise make a bet or wager; and

"(B) does not include—

"(i) information concerning pari-mutuel pools that is exchanged only between or among 1 or more racetracks or other pari-mutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, and 1 or more pari-mutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, if that information is used only to conduct common pool pari-mutuel pooling under applicable law;

"(ii) information exchanged exclusively between 1 or more racetracks or other pari-mutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, and other pari-mutuel wagering facilities licensed by the State or foreign jurisdiction, if the information is used only for processing bets or wagers made with that facility under applicable law;

"(iii) information exchanged exclusively between or among 1 or more wagering facilities that are located within a single State and are licensed and regulated by that State, and any support service, wherever located, if the information is used only for the pooling or processing of bets or wagers made by or with the facility or facilities under applicable State law;

"(iv) any news reporting or analysis of wagering activity, including odds, racing or event results, race and event schedules, or categories of wagering; or

"(v) any posting or reporting of any educational information on how to make a bet or wager or the nature of betting or wagering.

"(6) Interactive computer service.—The term 'interactive computer service' means any information service, system, or access software provider that operates in, or uses a channel or instrumentality of, interstate or foreign commerce to provide or enable access by users of the service to content or information, including specifically a service or system that provides access to the Internet.
Provides an interactive computer service, to the extent that such person offers or provides such service—

(8) INTERNET.—The term ‘Internet’ means the international computer network of both Federal and non-Federal interoperable packet-switched data networks.

(9) Person.—The term ‘person’ means any individual, association, partnership, joint venture, corporation (or any affiliate of a corporation), State or political subdivision thereof, department, agency, or instrumentality of a State or political subdivision thereof, or any other government, organization, or entity (including any governmental entity (as defined in section 3701(2) of title 28)).

(10) PRIVATE NETWORK.—The term ‘private network’ means a communications channel or channels, including voice or computer data transmission facilities, that use either—

(A) private dedicated lines; or

(B) the public communications infrastructure, if the infrastructure is secured by means the State private communications technology to prevent unauthorized access.

(11) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a commonwealth, territory, or possession of the United States.

(12) Subscriber.—The term ‘subscriber’—

(A) means any person with a business relationship with the interactive computer service provider through which such person receives, accesses, or transmits material or services by or through the Internet or any other interactive computer service;

(B) to place, receive, or otherwise make a bet or wager;

(C) to send, receive, or invite information assisting in the placing of a bet or wager.

(2) Penalties.—A person engaged in a gambling business who violates this section shall be—

(A) fined in an amount equal to not more than the greater of—

(i) the total amount that such person bet or wagered, or placed, received, or accepted in bets or wagers, as a result of engaging in that business in violation of this section; or

(ii) $20,000;

(B) imprisoned not more than 4 years; or

(C) both.

(3) PERMANENT INJUNCTIONS.—Upon conviction of a person under this section, the court may enter a permanent injunction enjoining such person from placing, receiving, or other making bets or wagers or sending, receiving, or inviting information assisting in the placing of bets or wagers.

(4) CIVIL REMEDIES.—The district courts of the United States shall have original and exclusive jurisdiction to prevent and restrain violations of this section by issuing appropriate orders with respect to this section, regardless of whether a prosecution has been initiated under this section.

(2) PROCEEDINGS.—

(A) INSTITUTION BY FEDERAL GOVERNMENT.—

(i) IN GENERAL.—The United States may institute proceedings under this subsection to prevent or restrain a violation of this section.

(ii) RELIEF.—Upon application of the United States under this subparagraph, the district court may enter a temporary restraining order or an injunction against any person to prevent or restrain a violation of this section if the court determines, after notice and an opportunity for a hearing, that there is a substantial probability that such violation has occurred or will occur.

(B) INSTITUTION BY STATE ATTORNEY GENERAL.—

(i) IN GENERAL.—The attorney general of a State (or other appropriate State official) in a case involving a violation of this section alleged to have occurred or will occur, after providing written notice to the United States, may instituted proceedings under this subsection to prevent or restrain such violation.

(ii) RELIEF.—Upon application of the attorney general (or other appropriate State official) of a affected State under paragraph (2)(A), without notice and the opportunity for a hearing as provided in rule 65(b) of the Federal Rules of Civil Procedure (except as provided in subparagraph (d)(3)), if the United States or the State, as applicable, demonstrates that there is probable cause to believe that the use of the Internet or other interactive computer service at issue violates this section.

(3) EXPEDITED PROCEEDINGS.—

(A) IN GENERAL.—In addition to any proceeding under paragraph (2), a district court may, in exigent circumstances, enter a temporary restraining order against a person alleged to be in violation of this section upon application of the United States under paragraph (2)(A), or the attorney general (or other appropriate State official) of an affected State under paragraph (2)(A), without notice and the opportunity for a hearing as provided in rule 65(b) of the Federal Rules of Civil Procedure (except as provided in subparagraph (d)(3)), if the United States or the State, as applicable, demonstrates that there is probable cause to believe that the use of the Internet or other interactive computer service at issue violates this section.

(B) HEARINGS.—A hearing requested concerning an order entered under this paragraph shall be held at the earliest practicable time.

(d) INTERACTIVE COMPUTER SERVICE PROVIDERS.—

(1) IMMUNITY FROM LIABILITY FOR USE BY ANOTHER.—

(A) IN GENERAL.—An interactive computer service provider described in subparagraph (B) shall not be liable, under this section or any other provision of Federal or State law prohibiting or regulating gambling or gambling-related activities, for the use of its facilities or services by another person to engage in Internet gambling activity that violates such law—

(i) arising out of any transmitting, routing, or providing of connections material or activity (including intermediate and temporary storage in the course of such transmitting, routing, or providing connections) by the provider if—

(II) the transmitting, routing, or providing of connections is carried out through an automatic process without selection of the material or activity by the provider; and

(ii) the material or activity is transmitted through the use of the provider without modification of its content; or

(ii) arising out of any gambling-related material or activity at an online site residing on a computer server owned, controlled, or operated by or for the provider, or arising out of referring or linking users to an online location containing such material or activity, if the material or activity was initiated by or at the direction of a person other than the provider;

(B) the transmitting, routing, or providing of connections is carried out through an automatic process without selection of the material or activity by the provider; and

(iii) the provider does not the recipient of the material or activity, except as an automatic response to the request of another person; and

(IV) the material or activity is transmitted through the use of the provider without modification of its content; or

(ii) arising out of any gambling-related material or activity at an online site residing on a computer server owned, controlled, or operated by or for the provider, or arising out of referring or linking users to an online location containing such material or activity, if the material or activity was initiated by or at the direction of a person other than the provider, unless the provider fails to take expeditiously, with respect to the particular material or activity at issue, the actions described in paragraph (2)(A) following the receipt by the provider of a notice described in paragraph (2)(B).

(E) EXPIRATION.—Any temporary restraining order or preliminary injunction entered pursuant to subparagraph (A) or (B) shall expire at the earliest practicable time after the notice and an opportunity for a hearing has been provided.

(F) DISMISSAL.—If the court determines that the United States or the State, as applicable, will not seek a permanent injunction.
engage in activity that the provider knows is prohibited by this section, with the specific intent that such service be used for such purpose.

(2) **Notice to Interactive Computer Service Providers.**—

(A) In general.—If an interactive computer service provider receives from a Federal or State law enforcement agency, acting within its authority and jurisdiction, a written or electronic notice described in subparagraph (B), that a particular online site residing on a computer server owned, controlled, or operated by the provider and being used by another person to violate this section, the provider shall expeditiously—

(i) remove or disable access to the material or activity residing at that online site that allegedly violates this section; or

(ii) in any case in which the provider does not control the site at which the subject material or activity resides, the provider, through any agent of the provider designated in accordance with section 512(c)(2) of title 17, or otherwise responsible identified employee or contractor—

(I) notify the Federal or State law enforcement agency that the provider is not the provider of such notice; and

(II) upon receipt of a subpoena, cooperate with the Federal or State law enforcement agency in identifying the person or persons who control the site.

(B) Notice.—A notice is described in this subparagraph only if it—

(i) identifies the material or activity that allegedly violates this section, and alleges that such material or activity violates this section;

(ii) provides information reasonably sufficient to permit the provider to locate (and, as appropriate, in a notice issued pursuant to paragraph (3)(A) to block access to) the material or activity;

(iii) is supplied to any agent of a provider designated in accordance with section 512(c)(2) of title 17, if information regarding such designation is readily available to the public;

(iv) provides information that is reasonably sufficient to permit the provider to contact the law enforcement agency that issued the notice, including the name of the law enforcement agency, and the name and telephone number of an individual to contact at the law enforcement agency (and, if available, the electronic mail address of that individual); and

(v) declares under penalties of perjury that the person submitting the notice is an employee of the law enforcement agency described in clause (iv).

(C) Injunctive Relief.—

(A) In general.—The United States, or a State law enforcement agency acting within its authority and jurisdiction, may, not less than 20 hours following the issuance to an interactive computer service provider of a notice described in paragraph (2)(A), in a civil action, obtain a temporary restraining order, or an injunction to prevent the use of the interactive computer service by another person to violate this section.

(B) Limitations.—Notwithstanding any other provision of law, the court shall not grant—

(i) an order restraining the provider from providing access to an identified subscriber of the system or network of the interactive computer service to such customer, unless the court determines that there is probable cause to believe that such subscriber is using that access to violate this section (or to engage with another person in a communication that violates this section); and

(ii) an order restraining the provider from providing access, by taking reasonable steps specified in the order to block access, to a specific, identified, foreign online location;

(iii) removing or disabling access to a computer server operated or controlled by the provider, that are the least burdensome to the provider among the forms of relief that are sufficiently effective to prevent such conduct.

(C) Considerations.—The court, in determining appropriate injunctive relief under this paragraph, shall consider—

(i) whether such an injunction, either alone or in combination with other such injunctions issued, and currently operative, against the same provider would significantly and, in this case of relief under subparagraph (B)(ii), taking into account, among other factors, the conduct of the provider, unreasonably burden either the provider or the operation of the system or network of the service provider;

(ii) whether implementation of such injunction would be technically feasible and effective, and would not materially interfere with access to lawful material at other online locations;

(iii) whether other less burdensome and comparably effective means of preventing or remedying such conduct are available;

(iv) the magnitude of the harm likely to be suffered by the community if the injunction is not granted.

(D) Notice and ex parte orders.—Injunctive relief under this paragraph shall not be made available without notice to the service provider and an opportunity for such provider to appear before the court, except for orders ensuring the preservation of evidence or other orders having no material adverse effect on the operation of the communications network of the service provider.

(E) Advertising or promotion of non-Internet gambling activity.—

(1) Definitions.—In this paragraph:

(i) Conducted.—With respect to a gambling activity, that activity is ‘conducted’ in a State if the State is the State in which the gambling establishment (as defined in section 1081) that offers the gambling activity being advertised or promoted is physically located.

(ii) Non-Internet gambling activity.—The term ‘non-Internet gambling activity’ means—

(I) a gambling activity in which the placing of the bet or wager is not conducted by the Internet; or

(II) a gambling activity to which the prohibitions of a section do not apply.

(F) Immunity from liability for use by another.—

(2) Notice from State Law Enforcement Agency.—If an interactive computer service provider receives from a Federal law enforcement agency, acting within its authority and jurisdiction, a written or electronic notice described in paragraph (2)(A) (i) or (ii) with respect to the advertising or promotion identified in the notice.

(3) Notice from State Law Enforcement Agency.—If an interactive computer service provider receives from a Federal law enforcement agency, acting within its authority and jurisdiction, a written or electronic notice described in paragraph (2)(A) (i) or (ii) with respect to the advertising or promotion identified in the notice.
State and that violates a law of that State prohibiting or regulating gambling or gambling-related activities, the provider shall expeditiously take the actions described in paragraph (2)(A)(i) or (ii) with respect to the advertising or promotion identified in the notice described in paragraph (2)(B).

(D) INJUNCTIVE RELIEF.—The United States, or a State law enforcement agency, acting within its authority and jurisdiction, may, not less than 24 hours following the issuance to an interactive computer service provider of a notice described in paragraph (2)(B), in a civil action, obtain a temporary restraining order, or an injunction, to prevent the use of the interactive computer service by another person to advertise or promote non-Internet gambling activity that violates a Federal law, or a law of the State in which such activity is conducted that prohibits or regulates gambling or gambling-related activities, as applicable. The procedures described in paragraph (3)(D) shall apply to actions brought under this subparagraph, and the relief in such actions shall be limited to—

(i) an order requiring the provider to remove or disable access to the advertising or promotion of non-Internet gambling activity that violates Federal law, or the law of the State in which such activity is conducted, as applicable, at a particular online site residing on a computer server controlled or operated by the provider; and

(ii) an order restraining the provider from providing access to an identified subscriber of the system or network of the provider, if the court determines that such subscriber maintains a website on a computer server controlled or operated by the provider that the subscriber is knowingly using or knowingly allowing to be used to advertise or promote non-Internet gambling activity that violates Federal law or the law of the State in which such activity is conducted; and

(iii) an order restraining the provider from the content of the advertising or promotion of such illegal gambling activity from disseminating such advertising or promotion on the content described in subparagraph (B)(i)(II).

(E) APPLICABILITY.—The provisions of subparagraphs (C) and (D) do not apply to actions brought under this subparagraph if the provisions or amendment to any person or circumstance shall not depend on, or be affected by, the initiation or resolution of any action under subsection (b), or under any other provision of Federal or State law.

(F) APPLICATION.—

(1) IN GENERAL.—Subject to paragraph (2), the prohibition in this section does not apply to—

(A) any otherwise lawful bet or wager that is placed, received, or otherwise made wholly intrastate for a State lottery, or for another lottery operated jointly between 2 or more States in conjunction with State lotteries if—

(i) each such lottery is expressly authorized by the State law or regulation; or

(ii) the lotteries or operators of the lottery is licensed by a State from engaging in the lottery activity or conducting the lottery.

(B) any other otherwise lawful bet or wager that is placed, received, or otherwise made on an interstate or intrastate basis on a live horse or a live dog race, the sending, receiving, or invoking of information assisting in the placing of such a bet or wager, if such bet or wager, or any combination of such information, as applicable, is—

(i) expressly authorized, and licensed or regulated by the State in which such bet or wager is received, under applicable Federal and such State’s laws;

(ii) placed on a closed-loop subscriber-based service; and

(iii) initiated from a State in which betting or wagering on that same type of live horse or live dog racing is lawful and regulated in the State in which such betting or wagering is lawful;

(C) any otherwise lawful bet or wager that is placed, received, or otherwise made for a fantasy sports league game or contest.

(D) CONDUCT NOT PROHIBITED.—

(1) IN GENERAL.—Subject to paragraph (2), the prohibition in this section does not apply to—

(A) any otherwise lawful bet or wager that is placed, received, or otherwise made by or for any fan of a professional sports league or team that is licensed by a State from employing an agent in the operation of the account wagering system owned or operated by the parimutuel facility.

(B) RIGHTS OF SUBSCRIBERS.—Nothing in this section may be construed to affect any prohibition or remedy applicable to a person engaged in a gambling business or any other provision of Federal or State law.

(g) RULES OF CONSTRUCTION.—

(1) NO IMMUNITY FROM PROSECUTION.—Except as provided in subsection (i), nothing in this section may be construed to create immunity from criminal prosecution under any provision of Federal or State law.

(2) OTHER PROHIBITIONS AND REMEDIES.—Nothing in this section may be construed to affect any prohibition or remedy applicable to a person engaged in a gambling business or any other provision of Federal or State law.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 30 of title 18, United States Code, is amended by adding at the end the following:

"1085. Internet gambling."

SEC. 3. REPORT ON ENFORCEMENT.

Ms. COLLINS (for Mr. CAMPBELL) proposed an amendment to amendment No. 2782 proposed by Mr. Kyl to the bill S. 692, supra; as follows:

On page 35 of the Kyl-Bryan substitute, after line 18, insert the following:

(4) INDIAN GAMING.—

(I) IN GENERAL.—Subject to paragraph (2), the prohibition in this section does not apply to any otherwise lawful bet or wager that is placed, received, or otherwise made on any game that constitutes class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2701), or the sending, receiving, or inviting of information assisting in the placing of any such bet or wager, as applicable, if the game is permitted under and conducted in accordance with the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).
HUTCHISON AMENDMENT NO. 2784

Ms. COLLINS (for Mr. FITZGERALD) proposed an amendment to the bill (S. 1738) to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions; as follows:

On page 7, line 21, strike "Samantha Reid and Hillory J. Farias" and insert "Hillery J. Farias and Samantha Reid".

On page 7, line 21, strike "Samantha Reid and Hillory J. Farias" and insert "Hillery J. Farias and Samantha Reid".

On page 7, line 21, strike "Samantha Reid and Hillory J. Farias" and insert "Hillery J. Farias and Samantha Reid".

On page 7, line 21, strike "Samantha Reid and Hillory J. Farias" and insert "Hillery J. Farias and Samantha Reid".

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Electronic Benefit Transfer Interoperability and Portability Act of 1999**.

**SEC. 2. PURPOSES.**

The purpose of this Act are—

(1) to protect the integrity of the food stamp program and wherever the food stamp program would be served by—

(i) the elimination of application requirements that are burdensome or are inconsistent with the requirements of paragraph (2) of this section, the Secretary shall promulgate regulations that—

(A) adopt a uniform national standard of interoperability and portability required under paragraph (2) that is based on the standard of interoperability and portability used by a majority of State agencies; and

(B) requires that any electronic benefit transfer contract that is entered into 30 days or more after the regulations are promulgated, by or on behalf of a State agency, provides for the electronic food stamp benefit cards.

(2) to ensure cost-effective portability of food stamp benefits across State borders without imposing additional administrative expenses for special equipment to address problems relating to the portability; and

(iii) the State agency from complying with the requirements of paragraph (2), if the State agency—

(i) establishes to the satisfaction of the Secretary that the State agency faces unusual technological barriers to achieving October 1, 2002, the interoperability and portability required under paragraph (2); and

(ii) demonstrates that the best interest of the food stamp program would be served by granting the waiver with respect to the electronic benefit transfer system used by the State agency to administer the food stamp program; and

(iii) specifies a date by which the State agency will achieve the interoperability and portability required under paragraph (2).

(3) to enhance the flow of interstate commerce involving electronic transactions involving food stamp benefits under a uniform national standard of interoperability and portability; and

(4) to eliminate the inefficiencies resulting from the patchwork of State-administered systems and regulations established to carry out the food stamp program.

**SEC. 3. INTEROPERABILITY AND PORTABILITY OF ELECTRONIC BENEFIT TRANSFER TRANSACTIONS.**

Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by adding at the end the following:

"(11) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ELECTRONIC BENEFIT TRANSFER CARD.—The term 'eligible electronic benefit transfer card' means an intelligent benefit card described in section 17(f).

"(B) ELECTRONIC BENEFIT TRANSFER CONTRACT.—The term 'electronic benefit transfer contract' means a contract that provides for the issuance, use, or redemption of coupons in the form of electronic benefit transfer cards.

"(C) INTEROPERABILITY.—The term 'interoperability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be redeemed in any State.

"(D) INTERSTATE TRANSACTION.—The term "interstate transaction" means a transaction that is initiated in 1 State by the use of an electronic benefit transfer card that is issued in another State.

"(E) PORTABILITY.—The term 'portability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be used in any State by a household to purchase food at a retail food store or wholesale food concern approved under this Act.

"(F) SETTLING.—The term 'settling' means movement, and reporting such movement, of funds from an electronic benefit transfer system that is located in 1 State to a retail food store, or wholesale food concern, that is located in another State, to accomplish an interstate transaction.

"(G) SMART CARD.—The term 'smart card' means an intelligent benefit card described in section 17(f).

"(H) SWITCHING.—The term 'switching' means the routing of an interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an electronic benefit transfer card in 1 State to the issuer of the card that is in another State.

"(2) REQUIREMENT.—Not later than October 1, 2002, the Secretary shall ensure that systems that provide for the electronic issuance, use, and redemption of coupons in the form of electronic benefit transfer cards are interoperable, and food stamp benefits are portable, among all States. **.

"(3) COST.—The cost of achieving the interoperability and portability required under paragraph (2) shall not be imposed on any food stamp program wholesale food concern, approved to participate in the food stamp program.

"(4) STANDARDS.—Not later than 210 days after the date of enactment of this subsection, the Secretary shall promulgate regulations that—

(A) adopt a uniform national standard of interoperability and portability required under paragraph (2); and

(B) requires that any electronic benefit transfer contract that is entered into 30 days or more after the regulations are promulgated, by or on behalf of a State agency, provides for the electronic food stamp benefit cards.

**DATE-RAPE DRUG CONTROL ACT OF 1999**

Fitzgerald Amendment No. 2786

Ms. COLLINS (for Mr. FITZGERALD) proposed an amendment to the bill (S. 1738) to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions; as follows:

On page 7, line 21, strike "Samantha Reid and Hillory J. Farias" and insert "Hillery J. Farias and Samantha Reid".

On page 7, line 21, strike "Samantha Reid and Hillory J. Farias" and insert "Hillery J. Farias and Samantha Reid".

Electronic Benefit Transfer Interoperability and Portability Act of 1999

**SEC. 2. PURPOSES.**

The purpose of this Act are—

(1) to protect the integrity of the food stamp program and wherever the food stamp program would be served by—

(i) the elimination of application requirements that are burdensome or are inconsistent with the requirements of paragraph (2) of this section, the Secretary shall promulgate regulations that—

(A) adopt a uniform national standard of interoperability and portability required under paragraph (2) that is based on the standard of interoperability and portability used by a majority of State agencies; and

(B) requires that any electronic benefit transfer contract that is entered into 30 days or more after the regulations are promulgated, by or on behalf of a State agency, provides for the electronic food stamp benefit cards.

(ii) to ensure cost-effective portability of food stamp benefits across State borders without imposing additional administrative expenses for special equipment to address problems relating to the portability; and

(iii) to enhance the flow of interstate commerce involving electronic transactions involving food stamp benefits under a uniform national standard of interoperability and portability; and

(iv) to eliminate the inefficiencies resulting from the patchwork of State-administered systems and regulations established to carry out the food stamp program.

**SEC. 3. INTEROPERABILITY AND PORTABILITY OF ELECTRONIC BENEFIT TRANSFER TRANSACTIONS.**

Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by adding at the end the following:

"(11) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ELECTRONIC BENEFIT TRANSFER CARD.—The term 'eligible electronic benefit transfer card' means an intelligent benefit card described in section 17(f).

"(B) ELECTRONIC BENEFIT TRANSFER CONTRACT.—The term 'electronic benefit transfer contract' means a contract that provides for the issuance, use, or redemption of coupons in the form of electronic benefit transfer cards.

"(C) INTEROPERABILITY.—The term 'interoperability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be redeemed in any State.

"(D) INTERSTATE TRANSACTION.—The term "interstate transaction" means a transaction that is initiated in 1 State by the use of an electronic benefit transfer card that is issued in another State.

"(E) PORTABILITY.—The term 'portability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be used in any State by a household to purchase food at a retail food store or wholesale food concern approved under this Act.

"(F) SETTLING.—The term 'settling' means movement, and reporting such movement, of funds from an electronic benefit transfer system that is located in 1 State to a retail food store, or wholesale food concern, that is located in another State, to accomplish an interstate transaction.

"(G) SMART CARD.—The term 'smart card' means an intelligent benefit card described in section 17(f).

"(H) SWITCHING.—The term 'switching' means the routing of an interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an electronic benefit transfer card in 1 State to the issuer of the card that is in another State.

"(2) REQUIREMENT.—Not later than October 1, 2002, the Secretary shall ensure that systems that provide for the electronic issuance, use, and redemption of coupons in the form of electronic benefit transfer cards are interoperable, and food stamp benefits are portable, among all States.

"(3) COST.—The cost of achieving the interoperability and portability required under paragraph (2) shall not be imposed on any food stamp program wholesale food concern, approved to participate in the food stamp program.

"(4) STANDARDS.—Not later than 210 days after the date of enactment of this subsection, the Secretary shall promulgate regulations that—

(A) adopt a uniform national standard of interoperability and portability required under paragraph (2); and

(B) requires that any electronic benefit transfer contract that is entered into 30 days or more after the regulations are promulgated, by or on behalf of a State agency, provides for the electronic food stamp benefit cards.

"(5) EXEMPTIONS.—The requirements of paragraph (2) shall not be imposed on the transfer of benefits under an electronic benefit transfer contract before the expiration of the term of the contract if the Secretary finds that—

(i) is entered into before the date that is 30 days after the regulations are promulgated under paragraph (4); and

(ii) is in effect before October 1, 2002.

"(B) WAIVER.—At the request of a State agency, the Secretary may provide 1 waiver to temporarily exempt, for a period ending as of before the date specified under clause (i), the State agency from complying with the requirements of paragraph (2), if the State agency—

(i) establishes to the satisfaction of the Secretary that the State agency faces unusual technological barriers to achieving October 1, 2002, the interoperability and portability required under paragraph (2);

(ii) demonstrates that the best interest of the food stamp program would be served by granting the waiver with respect to the electronic benefit transfer system used by the State agency to administer the food stamp program; and

(iii) specifies a date by which the State agency will achieve the interoperability and portability required under paragraph (2).

"(C) SMART CARD SYSTEMS.—The Secretary shall allow a State agency that is using an electronic benefit transfer system to use the food stamp program benefits to comply with the requirements of paragraph (2) at such time after October 1, 2002, as the Secretary determines that a practicable technological method is available for interoperability with electronic benefit transfer cards.