

VOINOVICH) was added as a cosponsor of Senate Joint Resolution 14, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

SENATE RESOLUTION 53

At the request of Mr. DODD, his name was added as a cosponsor of Senate Resolution 53, a resolution to designate March 24, 1999, as "National School Violence Victims' Memorial Day."

SENATE RESOLUTION 54

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Resolution 54, a resolution condemning the escalating violence, the gross violation of human rights and attacks against civilians, and the attempt to overthrow a democratically elected government in Sierra Leone.

SENATE RESOLUTION 68

At the request of Mrs. BOXER, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of Senate Resolution 68, a resolution expressing the sense of the Senate regarding the treatment of women and girls by the Taliban in Afghanistan.

SENATE RESOLUTION 71

At the request of Mr. ABRAHAM, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of Senate Resolution 71, a resolution expressing the sense of the Senate rejecting a tax increase on investment income of certain associations.

SENATE RESOLUTION 74—EX-
PRESSING THE SUPPORT OF THE
SENATE FOR THE MEMBERS OF
THE UNITED STATES ARMED
FORCES WHO ARE ENGAGED IN
MILITARY OPERATIONS AGAINST
THE FEDERAL REPUBLIC OF
YUGOSLAVIA

Mr. LOTT (for himself, Mr. DASCHLE, and all other Senators) submitted the following resolution; which was considered and agreed to:

S. RES. 74

Whereas the President has authorized United States participation in NATO military operations against the Federal Republic of Yugoslavia;

Whereas up to 22,000 members of the Armed Forces are presently involved in operations in and around the Balkans region with the active participation of NATO and other coalition forces; and

Whereas the Senate and the American people have the greatest pride in the members of the Armed Forces and strongly support them: Now, therefore, be it

Resolved, That the Senate supports the members of the United States Armed Forces who are engaged in military operations against the Federal Republic of Yugoslavia and recognizes their professionalism, dedication, patriotism, and courage.

AMENDMENTS SUBMITTED ON
MARCH 23, 1999EMERGENCY SUPPLEMENTAL AP-
PROPRIATIONS ACT FOR FISCAL
YEAR 1999

BINGAMAN AMENDMENT NO. 125

Mr. STEVENS (for Mr. BINGAMAN) proposed an amendment to the bill (S. 544) making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. —. FINDINGS AND SENSE OF SENATE RE-
GARDING SEQUENTIAL BILLING
POLICY FOR HOME HEALTH PAY-
MENTS UNDER THE MEDICARE PRO-
GRAM.

(a) FINDINGS.—The Senate finds the following:

(1) Section 4611 of the Balanced Budget Act of 1997 included a provision that transfers financial responsibility for certain home health visits under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) from part A to part B of such program.

(2) The sole intent of the transfer described in paragraph (1) was to extend the solvency of the Federal Hospital Insurance Trust Fund under section 1817 of such Act (42 U.S.C. 1395i).

(3) The transfer described in paragraph (1) was supposed be "seamless" so as not to disrupt the provision of home health services under the medicare program.

(4) The Health Care Financing Administration has imposed a sequential billing policy that prohibits home health agencies under the medicare program from submitting claims for reimbursement for home health services provided to a beneficiary unless all claims for reimbursement for home health services that were previously provided to such beneficiary have been completely resolved.

(5) The Health Care Financing Administration has also expanded medical reviews of claims for reimbursement submitted by home health agencies, resulting in a significant slowdown nationwide in the processing of such claims.

(6) The sequential billing policy described in paragraph (4), coupled with the slowdown in claims processing described in paragraph (5), has substantially increased the cash flow problems of home health agencies because payments are often delayed by at least 3 months.

(7) The vast majority of home health agencies under the medicare program are small businesses that cannot operate with significant cash flow problems.

(8) There are many other elements under the medicare program relating to home health agencies, such as the interim payment system under section 1861(v)(1)(L) of such Act (42 U.S.C. 1395x(v)(1)(L)), that are creating financial problems for home health agencies, thereby forcing more than 2,200 home health agencies nationwide to close since the date of enactment of the Balanced Budget Act of 1997.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Health Care Financing Administration should—

(1) evaluate and monitor the use of the sequential billing policy (as described in sub-

section (a)(4)) in making payments to home health agencies under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(2) ensure that—

(A) contract fiscal intermediaries under the medicare program are timely in their random medical review of claims for reimbursement submitted by home health agencies; and

(B) such intermediaries adhere to Health Care Financing Administration instructions that limit the number of claims for reimbursement held for such review for any particular home health agency to no more than 10 percent of the total number of claims submitted by the agency; and

(3) ensure that such intermediaries are considering and implementing constructive alternatives, such as expedited reviews of claims for reimbursement, for home health agencies with no history of billing problems who have cash flow problems due to random medical reviews and sequential billing.

LEAHY (AND OTHERS)
AMENDMENT NO. 126

Mr. STEVENS (for Mr. LEAHY for himself, Mr. JEFFORDS, and Ms. COLLINS) proposed an amendment to the bill, S. 544, supra; as follows:

On page 2, between lines 20 and 21, insert the following:

AGRICULTURAL MARKETING SERVICE

For an additional amount to carry out the agricultural marketing assistance program under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.), \$200,000, and the rural business enterprise grant program under section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)), \$500,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$700,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

On page 37, between lines 9 and 10, insert the following:

FARM SERVICE AGENCY

EMERGENCY CONSERVATION FUND

Of the amount made available under the heading "EMERGENCY CONSERVATION PROGRAM" in chapter 1 of title II of the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105-174; 112 Stat. 68), \$700,000 are rescinded.

LINCOLN (AND OTHERS)
AMENDMENT NO. 127

Mr. STEVENS (for Mrs. LINCOLN for herself, Mr. HUTCHINSON, and Mr. WYDEN) proposed an amendment to the bill, S. 544, supra; as follows:

On page 7, between lines 8 and 9, insert the following:

GENERAL PROVISION, THIS CHAPTER

SEC. —. CROP INSURANCE OPTIONS FOR PRODUCERS WHO APPLIED FOR CROP REVENUE COVERAGE PLUS.—(a) ELIGIBLE PRODUCERS.—This section applies with respect to a producer eligible for insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) who applied for the supplemental crop insurance endorsement known as Crop Revenue Coverage PLUS (referred to in this section as

"CRCPLUS") for the 1999 crop year for a spring planted agricultural commodity.

(b) ADDITIONAL PERIOD FOR OBTAINING OR TRANSFERRING COVERAGE.—Notwithstanding the sales closing date for obtaining crop insurance coverage established under section 508(f)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(2)) and notwithstanding any other provision of law, the Federal Crop Insurance Corporation shall provide a 14-day period beginning on the date of enactment of this Act, but not to extend beyond April 12, 1999, during which a producer described in subsection (a) may—

(1) with respect to a federally reinsured policy, obtain from any approved insurance provider a level of coverage for the agricultural commodity for which the producer applied for the CRCPLUS endorsement that is equivalent to or less than the level of federally reinsured coverage that the producer applied for from the insurance provider that offered the CRCPLUS endorsement; and

(2) transfer to any approved insurance provider any federally reinsured coverage provided for other agricultural commodities of the producer by the same insurance provider that offered the CRCPLUS endorsement, as determined by the Corporation.

GRAMM AMENDMENT NO. 128

Mr. GRAMM proposed an amendment to the bill, S. 544, supra; as follows:

At the end of the bill, add the following:

SEC. . (a) Notwithstanding any other provision of this Act, none of the amounts provided by this Act are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) An additional amount of \$2,250,000,000 is rescinded as provided in section 3002 of this Act.

GRAMM AMENDMENT NO. 129

Mr. GRAMM proposed an amendment to amendment No. 128 proposed by him to the bill, S. 544, supra; as follows:

At the end of the bill, add the following:

SEC. . (a) Notwithstanding any other provision of this Act, none of the amounts provided by this Act are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MURKOWSKI AMENDMENT NO. 130

Mr. MURKOWSKI proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . GLACIER BAY.—No funds may be expended by the Secretary of the Interior to implement closures or other restrictions of subsistence or commercial fishing or subsistence gathering in Glacier Bay National Park, except the closure of Dungeness crab fisheries under Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999, (section 101(e) of division A of Public Law 105-277), until such time as the State of Alaska's legal claim to ownership and jurisdiction over submerged lands and tidelands in the affected area has been resolved either by a final determination by the judiciary or a settlement between the parties to the lawsuit."

ROBB (AND OTHERS) AMENDMENT NO. 131

Mr. ROBB (for himself, Ms. SNOWE, Mr. LEAHY, Mr. BINGAMAN, Ms. FEIN-

STEIN, and Mr. KERREY) proposed an amendment to the bill, S. 544, supra; as follows:

On page 27, between lines 11 and 12, insert the following:

SEC. 203. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Navy for operation and maintenance for fiscal year 1999 or other unexpended balances from prior years, the Secretary shall make available \$40 million only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed \$2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damage arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

HELMS AMENDMENT NO. 132

Mr. STEVENS (for Mr. HELMS) proposed an amendment to the bill, S. 544, supra; as follows:

On page 30, between lines 10 and 11, insert the following:

CHAPTER 7

DEPARTMENT OF STATE RELATED AGENCY

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105-292), \$3,000,000, to remain available until expended: *Provided*, That the amount of the rescission under chapter 2 of title III of this Act under the heading "CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS" is hereby increased by \$3,000,000.

GRASSLEY AMENDMENT NO. 133

Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place, insert the following:

On page 24, line 2, after "expended." insert the following: "Provided further, That from unobligated balances in this account available under the heading 'climate and global change research', \$2,000,000 shall be made available for regional applications programs at the University of Northern Iowa consistent with the direction in the report to accompany Public Law 105-277."

On page 38, line 13, strike "\$2,000,000" and insert "\$1,000,000".

STEVENS AMENDMENT NO. 134

Mr. STEVENS proposed an amendment to the bill, S. 544, supra; as follows:

On page 27, line 12, insert the following:

SEC. . Notwithstanding any other provision of law, a military technician (dual status) (as defined in section 10216 of title 10) performing active duty without pay while on leave from technician employment under section 6323(d) of title 5 may, in the discretion of the Secretary concerned, be authorized a per diem allowance under this title, in lieu of commutation for subsistence and quarters as described in Section 1002(b) of title 37, United States Code.

STEVENS AMENDMENT NO. 135

Mr. STEVENS proposed an amendment to the bill, S. 544, supra; as follows:

At the end of Title II of the bill insert the following:

"SEC. . A payment of \$800,000 from the total amount of \$1,000,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105-337, accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1998, P.L. 105-83, and payments of \$2,000,000 for the Borough of Ketchikan to participate in a study of the feasibility and dynamics of manufacturing veneer products in Southeast Alaska and \$200,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105-825 accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1999 (as contained in Division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)), shall be paid in lump sum and shall be considered direct payments, for the purposes of all applicable law except that these direct grants may not be used for lobbying activities."

GREGG AMENDMENT NO. 136

Mr. STEVENS (for Mr. GREGG) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place in title II insert:

SEC. . Section 617 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as added by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) is amended—

(1) by striking subsection (a) and inserting in lieu thereof the following:

"(a) None of the funds made available in this Act or any other Act hereafter enacted may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal

Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), unless the regional fishery management council of jurisdiction recommends after October 21, 1998, and the Secretary of Commerce approves, conservation and management measures in accordance with such Act to allow such vessel to engage in fishing for Atlantic mackerel or herring (or both)."; and (2) in subsection (b), by striking "subsection (a)(1)" and inserting "subsection (a)".

DASCHLE AMENDMENT NO. 137

Mr. STEVENS (for Mr. DASCHLE) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place at the end of Title II, insert:

SEC. . The Corps of Engineers is directed to reprogram \$800,000 of the funds made available to that agency in Fiscal Year 1999 for the operation of the Pick-Sloan project to perform the preliminary work needed to transfer Federal lands to the tribes and state of South Dakota, and to provide the Lower Brule Sioux Tribe and Cheyenne River Sioux Tribe with funds to begin protecting invaluable Indian cultural sites, under the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act.

STEVENS AMENDMENT NO. 138

Mr. STEVENS proposed an amendment to the bill, S. 544, supra; as follows:

In the appropriate place in the bill, insert the following new section:

"SEC. . OPERATIONAL SUPPORT AIRCRAFT MULTI-YEAR LEASING DEMONSTRATION PROJECT.

(a) AUTHORITY TO LEASE.—Effective on or after October 1, 1999, the Secretary of the Air Force may obtain transportation for operational support purposes, including transportation for combatant Commanders in Chief, by lease of aircraft, on such terms and conditions as the Secretary may deem appropriate, consistent with this section, through an operating lease consistent with OMB Circular A-11.

(b) MAXIMUM LEASE TERM FOR MULTI-YEAR LEASE.—The term of any lease into which the Secretary enters under this section shall not exceed ten years from the date on which the lease takes effect.

(c) COMMERCIAL TERMS.—The Secretary may include terms and conditions in any lease into which the Secretary enters under this section that are customary in the leasing of aircraft by a non-governmental lessor to a non-government lessee.

(d) TERMINATION PAYMENTS.—The Secretary may, in connection with any lease into which the Secretary enters under this section, to the extent the Secretary deems appropriate, provide for special payments to the lessor if either the Secretary terminates or cancels the lease prior to the expiration of its term or the aircraft is damaged or destroyed prior to the expiration of the term of the lease. In the event of termination or cancellation of the lease, the total value of such payments shall not exceed the value of one year's lease payment.

(e) OBLIGATION AND EXPENDITURE OF FUNDS.—Notwithstanding any other provision of law,

(1) an obligation need not be recorded upon entering into a lease under this section, in

order to provide for the payments described in subsection (d) above, and

(2) any payments required under a lease under this section, and any payments made pursuant to subsection (d) above, may be made from—

(A) appropriations available for the performance of the lease at the time the lease takes effect;

(B) appropriations for the operation and maintenance available at the time which the payment is due; and

(C) funds appropriated for those payments.

(f) OTHER AUTHORITY PRESERVED.—The authority granted to the Secretary of the Air Force by this section is separate from and in addition to, and shall not be construed to impair or otherwise effect the authority of the Secretary to procure transportation or enter into leases under a provision of law other than this section."

ENZI (AND BINGAMAN) AMENDMENT NO. 139

Mr. STEVENS (for Mr. ENZI for himself and Mr. BINGAMAN) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place in title II of the bill, insert the following:

"SEC. . For an additional amount for the Livestock Assistance Program under Public Law 105-277, \$70,000,000. *Provided*, That the entire amount shall be available only to the extent an official budget request for \$70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress; *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act." and;

An additional amount of \$250,000,000 is rescinded as provided in Section 3002 of this Act.

BINGAMAN (AND OTHERS) AMENDMENT NO. 140

Mr. STEVENS (for Mr. BINGAMAN for himself, Mr. ENZI, and Mr. DOMENICI) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place in title II of the bill, insert the following:

"SEC. . DEDUCTION FOR OIL AND GAS PRODUCTION.

"(a) DEDUCTION.—Subject to the limitations in subsection (c), the Secretary of the Interior shall allow lessees operating one or more qualifying wells on public land to deduct from the amount of royalty otherwise payable to the Secretary on production from a qualifying well, the amount of expenditures made by such lessees after April 1, 1999 to—

"(A) increase oil or gas production from existing wells on public land;

"(B) drill new oil or gas wells on existing leases on public land; or

"(C) explore for oil or gas on public land.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'lessee' means any person to whom the United States issues a lease for oil and gas exploration, production, or development on public land, or any person to whom operating rights in such lease have been assigned;

"(2) the term 'public land' has the same meaning given such term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)); and

"(3) the term 'qualifying well' means any well for the production of natural gas, crude oil, or both that is on public land and—

"(A) has production that is treated as marginal production under section 631A(c)(6) of the Internal Revenue Code of 1986; or

"(B) has been classified as a qualifying well by the Secretary of the Interior for purposes of maximizing the benefits of this section.

"(c) SUNSET.—The Secretary of the Interior shall not allow a deduction under this section after—

"(1) September 30, 2000;

"(2) the thirtieth consecutive day on which the price for West Texas Intermediate crude oil on the New York Mercantile Exchange closes above \$18 per barrel; or

"(3) lessees have deducted a total of \$123,000,000 under this section—whichever occurs first.

"(d) ADMINISTRATIVE COSTS.—For necessary expenses of the Department of the Interior under this section, \$2,000,000 is appropriated to the Secretary of the Interior, to remain available until expended.

"(e) EMERGENCY DESIGNATION.—The entire amount made available to carry out this section—

"(1) shall be available only to the extent an official budget request for \$125,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, and

"(2) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act; and

An additional amount of \$125,000,000 is rescinded as provided in Section 3002 of this Act.

DOMENICI (AND OTHERS) AMENDMENT NO. 141

Mr. STEVENS (for Mr. DOMENICI for himself, Ms. LANDRIEU, Mr. MURKOWSKI, Mrs. HUTCHISON, and Mr. BINGAMAN) proposed an amendment to the bill, S. 544, supra; as follows:

On page 23, between lines 8 and 9, insert the following:

"SEC. . PETROLEUM DEVELOPMENT MANAGEMENT.

(a) SHORT TITLE.—This section may be cited as the "Emergency Oil and Gas Guaranteed Loan Program Act".

(b) FINDINGS.—Congress finds that—

(1) consumption of foreign oil in the United States is estimated to equal 56 percent of all oil consumed, and that percentage could reach 68 percent by 2010 if current prices prevail;

(2) the number of oil and gas rigs operating in the United States is at its lowest since 1944, when records of this tally began;

(3) if prices do not increase soon, the United States could lose at least half its marginal wells, which in aggregate produce as much oil as the United States imports from Saudi Arabia;

(4) oil and gas prices are unlikely to increase for at least several years;

(5) declining production, well abandonment, and greatly reduced exploration and development are shrinking the domestic oil and gas industry;

(6) the world's richest oil producing regions in the Middle East are experiencing increasingly greater political instability;

(7) United Nations policy may make Iraq the swing oil producing nation, thereby granting Saddam Hussein tremendous power;

(8) reliance on foreign oil for more than 60 percent of our daily oil and gas consumption is a national security threat;

(9) the level of United States oil security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas; and

(10) a national security policy should be developed that ensures that adequate supplies of oil are available at all times free of the threat of embargo or other foreign hostile acts.

(c) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Loan Guarantee Board established by subsection (e).

(2) PROGRAM.—The term “Program” means the Emergency Oil and Gas Guaranteed Loan Program established by subsection (d).

(3) QUALIFIED OIL AND GAS COMPANY.—The term “qualified oil and gas company” means a company that—

(A) is incorporated under the laws of any State;

(B) is—

(i) an independent oil and gas company (within the meaning of section 57(a)(2)(B)(i) of the Internal Revenue Code of 1986); or

(ii) a small business concern under section 3 of the Small Business Act (15 U.S.C. 632) that is an oil field service company whose main business is providing tools, products, personnel, and technical solutions on a contractual basis to exploration and production operators who drill, complete, produce, transport, refine and sell hydrocarbons and their by-products as their main commercial business; and

(C) has experienced layoffs, production losses, or financial losses since the beginning of the oil import crisis, after January 1, 1997.

(d) EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM.—

(1) IN GENERAL.—There is established the Emergency Oil and Gas Guaranteed Loan Program, the purpose of which shall be to provide loan guarantees to qualified oil and gas companies in accordance with this section.

(2) LOAN GUARANTEE BOARD.—There is established to administer the Program a Loan Guarantee Board, to be composed of—

(A) the Secretary of Commerce, who shall serve as Chairperson of the Board;

(B) the Secretary of Labor; and

(C) the Secretary of the Treasury;

(e) AUTHORITY.—

(1) IN GENERAL.—The Program may guarantee loans provided to qualified oil and gas companies by private banking and investment institutions in accordance with procedures, rules, and regulations established by the Board.

(2) TOTAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed and outstanding at any 1 time under this section shall not exceed \$500,000,000.

(3) INDIVIDUAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed under this section with respect to a single qualified oil and gas company shall not exceed \$10,000,000.

(4) MINIMUM GUARANTEE AMOUNT.—No single loan in an amount that is less than \$250,000 may be guaranteed under this section.

(5) EXPEDITIOUS ACTION ON APPLICATIONS.—The Board shall approve or deny an application for a guarantee under this section as soon as practicable after receipt of an application.

(f) REQUIREMENTS FOR LOAN GUARANTEES.—The Board may issue a loan guarantee on application by a qualified oil and gas company under an agreement by a private bank or investment company to provide a loan to the qualified oil and gas company, if the Board determines that—

(1) credit is not otherwise available to the company under reasonable terms or conditions sufficient to meet its financing needs,

as reflected in the financial and business plans of the company;

(2) the prospective earning power of the company, together with the character and value of the security pledged, provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan; and

(4) the company has agreed to an audit by the General Accounting Office, before issuance of the loan guarantee and annually while the guaranteed loan is outstanding.

(g) TERMS AND CONDITIONS OF LOAN GUARANTEES.—

(1) LOAN DURATION.—All loans guaranteed under this section shall be repayable in full not later than December 31, 2010, and the terms and conditions of each such loan shall provide that the loan agreement may not be amended, or any provision of the loan agreement waived, without the consent of the Board.

(2) LOAN SECURITY.—A commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions as the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) FEES.—A qualified oil and gas company receiving a loan guarantee under this section shall pay a fee in an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan to the Department of the Treasury.

(h) REPORTS.—During fiscal year 1999 and each fiscal year thereafter until each guaranteed loan has been repaid in full, the Secretary of Commerce shall submit to Congress a report on the activities of the Board.

(i) SALARIES AND ADMINISTRATIVE EXPENSES.—For necessary expenses to administer the Program, \$2,500,000 is appropriated to the Department of Commerce, to remain available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(j) TERMINATION OF GUARANTEE AUTHORITY.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(k) REGULATORY ACTION.—Not later than 60 days after the date of enactment of this Act, the Board shall issue such final procedures, rules, and regulations as are necessary to carry out this section.

(l) EMERGENCY DESIGNATION.—The entire amount made available to carry out this section—

(1) is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)); and

(2) shall be available only to the extent that the President submits to Congress a budget request that includes designation of the entire amount of the request as an emergency requirement.

LOTT AMENDMENT NO. 142

Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place, insert the following: “that the presiding officer of the

Senate should apply all precedents of the Senate under Rule 16, in effect at the conclusion of the 103rd Congress.”

AMENDMENT SUBMITTED ON MARCH 24, 1999

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

ABRAHAM (AND OTHERS) AMENDMENT NO. 143

Mr. ABRAHAM (for himself, Mr. DOMENICI, Mr. ASHCROFT, Mr. LOTT, Mr. ROTH, Mr. VOINOVICH, Mr. GRAMS, Mr. GREGG, Ms. COLLINS, Mr. HAGEL, Mr. SANTORUM, Mr. CRAIG, Mr. MCCAIN, and Mr. FITZGERALD) proposed an amendment to the concurrent resolution (S. Con. Res. 20) setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009; as follows:

SEC. XX. FINDINGS; SENSE OF CONGRESS ON THE PROTECTION OF THE SOCIAL SECURITY SURPLUSES.

(a) The Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the Social Security trust funds;

(2) reducing the federal debt held by the public is a top national priority, strongly supported on a bipartisan basis, as evidenced by Federal Reserve Chairman Alan Greenspan's comments that debt reduction “is a very important element in sustaining economic growth,” as well as President Clinton's comments that it “is very, very important that we get the government debt down” when referencing his own plans to use the budget surplus to reduce federal debt held by the public;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the Social Security trust funds will reduce debt held by the public by a total of \$1,723,000,000,000 by the end of fiscal year 2009, \$417,000,000,000, or 32 percent, more than it would be reduced under the President's fiscal year 2000 budget submission;

(4) further according to the Congressional Budget Office, that the President's budget would actually spend \$40,000,000,000 of the Social Security surpluses in fiscal year 2000 on new spending programs, and spend \$158,000,000,000 of the Social Security surpluses on new spending programs from fiscal year 2000 through 2004; and

(5) Social Security surpluses should be used for Social Security reform or to reduce the debt held by the public and should not be used for other purposes.

(b) It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that Congress shall pass legislation which—

(1) Reaffirms the provisions of section 13301 of the Omnibus Budget Reconciliation 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, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985, and provides for a Point of Order within the Senate against any concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates that section.