

DEPARTMENT OF COMMERCE

Santanu K. Baruah, of Oregon, to be Assistant Secretary of Commerce for Economic Development.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

John O. Agwunobi, of Florida, to be Assistant Secretary of Health and Human Services.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

John O. Agwunobi, of Florida, to be Medical Director in the Regular Corps of the Public Health Service, subject to the qualifications therefore as provided by law and regulations.

NATIONAL TRANSPORTATION SAFETY BOARD

Mark V. Rosenker, of Maryland, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2010. (Reappointment)

Kathryn Higgins, of South Dakota, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2009.

DEPARTMENT OF ENERGY

Jeffrey D. Jarrett, of Pennsylvania, to be an Assistant Secretary of Energy (Fossil Energy).

DEPARTMENT OF JUSTICE

Catherine Lucille Hanaway, of Missouri, to be United States Attorney for the Eastern District of Missouri for the term of four years.

EXECUTIVE OFFICE OF THE PRESIDENT

Dale W. Meyerrose, of Indiana, to be Chief Information Officer, Office of the Director of National Intelligence. (New Position)

FEDERAL TRADE COMMISSION

William E. Kovacic, of Virginia, to be a Federal Trade Commissioner for a term of seven years from September 26, 2004.

J. Thomas Rosch, of California, to be a Federal Trade Commissioner for the term of seven years from September 26, 2005.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Bruce Cole, of Indiana, to be Chairperson of the National Endowment for the Humanities for a term of four years. (Reappointment)

DEPARTMENT OF EDUCATION

Stephanie Johnson Monroe, of Virginia, to be Assistant Secretary for Civil Rights, Department of Education.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Donald A. Gambatesa, of Virginia, to be Inspector General, United States Agency for International Development.

DEPARTMENT OF STATE

Marilyn Ware, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Finland.

MERIT SYSTEMS PROTECTION BOARD

Mary M. Rose, of North Carolina, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2011.

DEPARTMENT OF HOMELAND SECURITY

George W. Foresman, of Virginia, to be Under Secretary for Preparedness, Department of Homeland Security.

IN THE COAST GUARD

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under Title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Michael R. Seward, 0000

DEPARTMENT OF COMMERCE

David Steele Bohigian, of Missouri, to be an Assistant Secretary of Commerce.

DEPARTMENT OF THE TREASURY

Antonio Fratto, of Pennsylvania, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF COMMERCE

David M. Spooner, of Virginia, to be an Assistant Secretary of Commerce.

EXECUTIVE OFFICE OF THE PRESIDENT

Richard T. Crowder, of Virginia, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

IN THE COAST GUARD

The following named officer for appointment to the grade indicated in the United States Coast Guard Reserve under title 10, U.S.C., section 12203(a):

To be captain

James R. Montgomery, 0000

The following named officer for appointment to the grade indicated in the United States Coast Guard under title 14, U.S.C., section 276:

To be commander

Richard E. Petherbridge, 0000

The following named officers for appointment to the grade indicated in the United States Coast Guard under title 14, U.S.C., section 271:

To be commander

Benes Z. Aldana, 0000

Robert J. Backhaus, 0000

Robert E. Bailey, 0000

Christopher A. Bartz, 0000

Emile R. Benard, 0000

David C. Billburg, 0000

Elizabeth D. Blow, 0000

Francis T. Boross, 0000

James M. Boyer, 0000

Michael C. Brady, 0000

Craig S. Breitung, 0000

Jeffrey M. Brockus, 0000

Jacob E. Brown, 0000

Scott A. Budka, 0000

Matthew C. Callan, 0000

Nicholas D. Caron, 0000

Jeffrey T. Carter, 0000

David K. Chareonsuphiphat, 0000

Joseph A. Chop, 0000

Richard S. Craig, 0000

David H. Cronk, 0000

Mark T. Cunningham, 0000

Anthony C. Curry, 0000

Kenneth D. Dahlin, 0000

John M. Danaher, 0000

Christopher L. Day, 0000

Ronald R. Dewitt, JR, 0000

Jeffrey F. Dixon, 0000

Brian J. Downey, 0000

David A. Drake, 0000

Darren A. Drury, 0000

Kevin P. Dunn, 0000

Andrew G. Dutton, 0000

James L. Duval, 0000

David W. Edwards, 0000

Eric S. Ensign, 0000

Brad J. Ervin, 0000

David M. Flaherty, 0000

Eric J. Ford, 0000

Theodore B. Gangsei, 0000

Timothy J. Gilbride, 0000

Brian S. Gilda, 0000

Joseph J. Gleason, 0000

Thomas J. Glynn, 0000

Mark E. Hammond, 0000

David C. Hartt, 0000

Charles A. Hatfield, 0000

The following named officers for appointment to the grade indicated in the United States Coast Guard under title 14, U.S.C., section 271:

To Be lieutenant commander

Stephen Adler, 0000

Kristina M. Ahmann, 0000

Michael W. Albert, 0000

Ryan D. Allain, 0000

Brian R. Anderson, 0000

Jeff M. Aparicio, 0000

David L. Arritt, 0000

Reginald I. Baird, 0000

Jonathan D. Baker, 0000

Alain V. Balmaceda, 0000

Clifford R. Bambach, 0000

Timothy J. Barelli, 0000

Michelle C. Bas, 0000

Lamont S. Bazemore, 0000

Carolyn M. Beatty, 0000

Jason L. Beatty, 0000

Anne M. Becker, 0000

Eric M. Belleque, 0000

Kailie J. Benson, 0000

Scott D. Benson, 0000

John Berry, 0000

Robert H. Bickerstaff, 0000

Jeffrey B. Bippert, 0000

Chad E. Bland, 0000

Christopher L. Boes, 0000

Elizabeth A. Booker, 0000

Curtis E. Borland, 0000

Mark A. Bottiglieri, 0000

Joseph R. Boves, 0000

Russell E. Bowman, 0000

Thomas L. Boyles, 0000

Sean T. Brady, 0000

Rachael B. Bralliar, 0000

Lance J. Brant, 0000

Paul Brooks, 0000

Andy S. Brown, 0000

Heath M. Brown, 0000

Thomas R. Brown, 0000

Timothy T. Brown, 0000

William A. Budovec, 0000

Marc A. Burd, 0000

Richard J. Burke, 0000

Travis L. Burns, 0000

Victor G. Buskirk, 0000

Colin E. Campbell, 0000

Donald B. Campbell, 0000

Clinton S. Carlson, 0000

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

FEDERAL DEPOSIT INSURANCE ACT AMENDMENTS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2141 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2141) to make improvements to the Federal Deposit Insurance Act.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statement related to the bill be printed in the RECORD.

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

The bill (S. 2141) was read the third time and passed, as follows:

S. 2141

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

SECTION. 1. TREATMENT OF CERTAIN AGREEMENTS BY CONSERVATORS OR RECEIVERS OF DEPOSITORY INSTITUTIONS.

(a) DEFINITION OF SECURITIES CONTRACT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(ii)) is amended—

(A) in subclause (I)—

(i) by striking “mortgage loan, or” and inserting “mortgage loan,;” and

(ii) by inserting before the semicolon “(whether or not such repurchase or reverse repurchase transaction is a ‘repurchase agreement’, as defined in clause (v))”;

(B) in subclause (IV)—

(i) by inserting “(including by novation)” after “the guarantee”; and

(ii) by inserting before the semicolon “(whether or not such settlement is in connection with any agreement or transaction referred to in subclauses (I) through (XII) (other than subclause (II))”;

(C) in subclause (IX), by striking “or (VIII)” each place that term appears and inserting “(VIII), (IX), or (X)”;

(D) by redesignating subclauses (VI) through (X) as subclauses (VIII) through (XII), respectively; and

(E) by inserting after subclause (V) the following:

“(VI) means any extension of credit for the clearance or settlement of securities transactions;

“(VII) means any loan transaction coupled with a securities collar transaction, any prepaid securities forward transaction, or any total return swap transaction coupled with a securities sale transaction.”;

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(ii) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(ii)) is amended—

(A) in subclause (I)—

(i) by striking “mortgage loan, or” and inserting “mortgage loan,;” and

(ii) by inserting before the semicolon “(whether or not such repurchase or reverse repurchase transaction is a ‘repurchase agreement’, as defined in clause (v))”;

(B) in subclause (IV)—

(i) by inserting “(including by novation)” after “the guarantee”; and

(ii) by inserting before the semicolon “(whether or not such settlement is in connection with any agreement or transaction referred to in subclauses (I) through (XII) (other than subclause (II))”;

(C) in subclause (IX), by striking “or (VIII)” each place that term appears and inserting “(VIII), (IX), or (X)”;

(D) by redesignating subclauses (VI) through (XII), respectively; and

(E) by inserting after subclause (V) the following:

“(VI) means any extension of credit for the clearance or settlement of securities transactions;

“(VII) means any loan transaction coupled with a securities collar transaction, any prepaid securities forward transaction, or any total return swap transaction coupled with a securities sale transaction.”;

(b) DEFINITION OF FORWARD CONTRACT.—Section 11(e)(8)(D)(iv)(I) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iv)(I)) is amended by striking “transaction, reverse repurchase transaction” and inserting “or reverse repurchase transaction (whether or not such repurchase or reverse repurchase transaction is a ‘repurchase agreement’, as defined in clause (v))”.

(c) DEFINITION OF SWAP AGREEMENT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(vi) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vi)) is amended—

(A) in subclause (I)—

(i) by striking “or precious metals” and inserting “, precious metals, or other commodity”; and

(ii) by striking “or a weather swap, weather derivative, or weather option” and inserting “weather swap, option, future, or forward agreement; an emissions swap, option, future, or forward agreement; or an inflation swap, option, future, or forward agreement”;

(B) in subclause (II)—

(i) by inserting “or other derivatives” after “dealings in the swap”; and

(ii) by striking “future, or option” and inserting “future, option, or spot transaction”; and

(C) by striking “the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000” and inserting “the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934) and the Commodity Exchange Act”.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(vi) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(vi)) is amended—

(A) in subclause (I)—

(i) by striking “or precious metals” and inserting “, precious metals, or other commodity”; and

(ii) by striking “or a weather swap, weather derivative, or weather option” and inserting “weather swap, option, future, or forward agreement; an emissions swap, option, future, or forward agreement; or an inflation swap, option, future, or forward agreement”;

(B) in subclause (II)—

(i) by inserting “or other derivatives” after “dealings in the swap”; and

(ii) by striking “future, or option” and inserting “future, option, or spot transaction”; and

(C) by striking “the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000” and inserting “the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934) and the Commodity Exchange Act”.

SEC. 2. CLARIFYING AMENDMENTS RELATING TO DEFINITION OF PERSON.

(a) FDIC-INSURED DEPOSITORY INSTITUTIONS DEFINITION OF PERSON.—Section 11(e)(8)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)) is amended by adding at the end the following:

“(ix) PERSON.—The term ‘person’ includes any governmental entity and any entity included in the definition of the term ‘person’ in section 1 of title 1, United States Code.”.

(b) INSURED CREDIT UNIONS DEFINITION OF PERSON.—Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) is amended by adding at the end the following:

“(vii) PERSON.—The term ‘person’ includes any governmental entity and any entity included in the definition of the term ‘person’ in section 1 of title 1, United States Code.”.

SEC. 3. FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.

(a) ENFORCEABILITY OF BILATERAL NETTING CONTRACTS.—Section 403 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4403) is amended—

(1) in each of subsections (a) and (f), by striking “paragraphs (8)(E), (8)(F), and (10)(B) of” each place that term appears; and

(2) in subsection (a), by inserting “terminated, liquidated, accelerated, and” after “institutions shall be”.

(b) ENFORCEABILITY OF CLEARING ORGANIZATION NETTING CONTRACTS.—Section 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4404) is amended—

(1) in each of subsections (a) and (h), by striking “paragraphs (8)(E), (8)(F), and (10)(B) of” each place that term appears; and

(2) in subsection (a), by inserting “terminated, liquidated, accelerated, and” after “organization shall be”.

SEC. 4. CONFORMING AMENDMENTS.

(a) CLARIFYING DEFINITIONS.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (22)(A)—

(i) by striking “(domestic or foreign)” after “an entity”; and

(ii) by inserting “(whether or not a ‘customer’, as defined in section 741)” after “custodian for a customer”;

(B) in paragraph (22A)—

(i) by striking “on any day during the previous 15-month period” each place it appears and inserting “at such time or on any day during the 15-month period preceding the date of the filing of the petition”; and

(ii) by inserting “(aggregated across counterparties)” after “principal amount outstanding”;

(C) in paragraph (25)(A)—

(i) by inserting “, as defined in section 761” after “commodity contract”; and

(ii) by striking “repurchase transaction, reverse repurchase transaction,” and inserting “repurchase or reverse repurchase transaction (whether or not such repurchase or reverse repurchase transaction is a ‘repurchase agreement’, as defined in this section)”;

(D) in paragraph (53B)(A)—

(i) in clause (i)—

(I) in subclause (II), by striking “or precious metals” and inserting “, precious metals, or other commodity agreement”;

(II) in subclause (VII), by striking “or” at the end;

(III) in subclause (VIII), by striking “weather derivative, or weather option” and inserting “option, future, or forward agreement”;

(IV) by adding at the end the following:

“(IX) an emissions swap, option, future, or forward agreement; or

“(X) an inflation swap, option, future, or forward agreement.”; and

(ii) in clause (ii)—

(I) in subclause (I), by inserting “or other derivatives” after “dealings in the swap”; and

(II) in subclause (II), by striking “future, or option” and inserting “future, option, or spot transaction”; and

(E) in paragraph (53B)(B), by striking “the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000” and inserting “the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in

section 3(a)(47) of the Securities Exchange Act of 1934) and the Commodity Exchange Act”;

(2) in section 362(b)—

(A) by striking paragraphs (6) and (7) and inserting the following:

“(6) under subsection (a) of this section, of the exercise by a commodity broker, forward contract merchant, stockbroker, financial institution, financial participant, or securities clearing agency of any contractual right (as defined in section 555 or 556) under any security agreement or arrangement or other credit enhancement forming a part of or related to any commodity contract, forward contract or securities contract, or of any contractual right (as defined in section 555 or 556) to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more such contracts, including any master agreement for such contracts;

“(7) under subsection (a) of this section, of the exercise by a repo participant or financial participant of any contractual right (as defined in section 559) under any security agreement or arrangement or other credit enhancement forming a part of or related to any repurchase agreement, or of any contractual right (as defined in section 559) to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more such agreements, including any master agreement for such agreements.”;

(B) by striking paragraph (17) and inserting the following:

“(17) under subsection (a) of this section, of the exercise by a swap participant or financial participant of any contractual right (as defined in section 560) under any security agreement or arrangement or other credit enhancement forming a part of or related to any swap agreement, or of any contractual right (as defined in section 560) to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more such agreements, including any master agreement for such agreements.”; and

(C) by striking paragraph (27) and inserting the following:

“(27) under subsection (a) of this section, of the exercise by a master netting agreement participant of any contractual right (as defined in section 555, 556, 559, or 560) under any security agreement or arrangement or other credit enhancement forming a part of or related to any master netting agreement, or of any contractual right (as defined in section 555, 556, 559, or 560) to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more such master netting agreements to the extent that such participant is eligible to exercise such rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue; and”;

(3) in section 741(7)(A)—

(A) in clause (i)—

(i) by striking “mortgage loan or” and inserting “mortgage loan.”; and

(ii) by inserting before the semicolon “(whether or not such repurchase or reverse repurchase transaction is a ‘repurchase agreement’, as defined in section 101)”;

(B) in clause (iii)—

(i) by inserting “(including by novation)” after “the guarantee”; and

(ii) by inserting before the semicolon “(whether or not such settlement is in connection with any agreement or transaction referred to in clauses (i) through (xi))”;

(C) in clause (viii), by striking “or (vii)” each place it appears and inserting “(vii), (viii), or (ix)”;

(D) by redesignating clauses (v) through (ix) as clauses (vii) through (xi), respectively; and

(E) by inserting after clause (iv) the following:

“(v) any extension of credit for the clearance or settlement of securities transactions;

“(vi) any loan transaction coupled with a securities collar transaction, any prepaid forward securities transaction, or any total return swap transaction coupled with a securities sale transaction.”;

(b) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting “(or for the benefit of)” before “a commodity broker”; and

(B) by inserting “or that is a transfer made by or to (or for the benefit of) a commodity broker, forward contract merchant, stockbroker, financial institution, financial participant, or securities clearing agency, in connection with a securities contract, as defined in section 741(7), commodity contract, as defined in section 761(4), or forward contract,” after “securities clearing agency.”;

(2) in subsection (f)—

(A) by striking “that is a margin payment, as defined in section 741 or 761 of this title, or settlement payment, as defined in section 741 of this title.”; and

(B) by inserting “(or for the benefit of)” before “a repo participant”;

(3) in subsection (g), by inserting “(or for the benefit of)” before “a swap participant”; and

(4) in subsection (j), by inserting “(or for the benefit of)” after “made by or to”.

(c) SIPC STAY.—Section 5(b)(2)(C)(iii) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(b)(2)(C)(iii)) is amended—

(1) by inserting “a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991),” after “rule or bylaw of”; and

(2) by striking “or a securities clearance agency, a right set forth in a bylaw of a clearing organization or contract market” and inserting “a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act).”;

(d) SAVINGS CLAUSE.—Title IX of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (Public Law 109-8, 119 Stat. 146) is amended by adding at the end the following:

“SEC. 912. SAVINGS CLAUSE.

“The meanings of terms used in this title are applicable for the purposes of this title only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.”.

SEC. 5. WALKAWAY CLAUSES.

Section 11(e)(8)(G) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(G)) is amended to read as follows:

“(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

“(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit In-

surance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of an insured depository institution in default, provided that any payment or delivery obligations otherwise due from a party pursuant to the qualified financial contract shall be suspended from the time that the receiver is appointed until the earlier of—

“(I) the time that such party receives notice that such contract has been transferred pursuant to subparagraph (A); or

“(II) 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver.

“(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term ‘walkaway clause’ means any provision in a qualified financial contract that suspends, conditions, or extinguishes a payment obligation of a party in whole or in part or does not create a payment obligation of a party that would otherwise exist solely because of such party’s status as a nondefaulting party in connection with the insured depository institution’s insolvency or the appointment of or the exercise of rights or powers by a conservator or receiver, and not as a result of a party’s exercise of any right to offset, setoff, or net obligations that exist under the contract, any other contract between those parties, or applicable law.”.

SEC. 6. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) NO RETROACTIVE APPLICATION OF AMENDMENTS.—The amendments made by this Act shall not apply to any cases commenced under title 11, United States Code, or appointments made under any Federal or State law, before the effective date of this Act.

ORDERS FOR SUNDAY, DECEMBER 18, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 6 p.m. on Sunday, December 18. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. FRIST. Tomorrow, we will return to session to continue to work on the remaining business before we leave. We will need to come in tomorrow in anticipation of the conference reports which will arrive from the House. I do not believe we will need to have any votes tomorrow evening, but we will alert Members if something arises. If we do not vote Sunday, we would start voting early Monday. We have seven district judges on the calendar. I understand some of those may require votes.

Having said that, I thank all Senators for their patience during this period. It has been difficult because of