Mr. MEEHAN. Mr. Speaker, yesterday's Los Angeles Times got it right: ''Voters are getting tired of empty promises'' from the Republican leadership on campaign finance reform.

Weeks have passed since the Republican leadership committed to holding a vote on the Shays-Meehan bill. Each day Republican leaders have postponed reform or debate on reform, and every day they postpone it, support for our bill has grown. Grassroots organizations, ranging from the AARP to the National Farmers Union to public groups all over the country are uniting behind supporting the Shays-Meehan bill.

Last week, key Democratic and Republican sponsors of the commission bill merged with our coalition in support of a single bipartisan bill. Over the past few weeks, reform-minded Members on both sides of the aisle have committed to pulling their own reform proposals off if the Shays-Meehan bill wins a majority vote. Now all we need is the opportunity to do just that. Vote on the Shays-Meehan bill.

In short, to the gentleman from Texas (Mr. ARMEY) and the gentleman from Texas (Mr. DELAY), reform supporters are ready to move forward. Enough is enough. Let us vote on Shays-Meehan.

TIME TO BUILD NATIONAL MISSILE DEFENSE SYSTEM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, it is a shame that it has taken nuclear blasts in India and Pakistan to convince American leaders that it is time to put an end to our policy of mutually assured vulnerability.

What I mean by this is that the United States is vulnerable to a missile attack. Many Americans are unaware of this. But if a missile were to be fired at American cities, the United States would be defenseless against it. Not only that, but this is the deliberate policy of the United States, to remain defenseless in the face of nuclear attack.

But recent events in Pakistan and India should serve to force us to reconsider our policy of vulnerability in face of a missile attack. Recent reports that Communist China has 13 nuclear missiles aimed at the United States should reinforce the need for this reassessment. It is time to begin to build a national missile defense system. The security of our Nation is at stake.

SUPPORT DOLLARS TO THE CLASSROOM ACT

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I rise today to urge Congress and the President to send more dollars to our classrooms instead of Washington bureaucrats. The Dollars to the Classroom Act is a Republican initiative which would require 95 percent of all Federal funding for K-through-12 education programs to be sent to local schools. As a former teacher, I support this act.

Unfortunately, the Clinton administration and its core of Washington bureaucrats believe that they know best how to educate our children. They believe that our children should submit to another national test and that they would benefit from another Federal mandate.

However, the American people know better. The Dollars to the Classroom Act will send nearly all of our Federal tax dollars for education back to local schools. That means $10 billion will be taken from the grasp of bureaucrats and put into the hands of a teacher who actually knows your child's name.

Support H.R. 3248, the Dollars to the Classroom Act.

WITNESSES REFUSING TO TESTIFY IN WHITE HOUSE INVESTIGATION

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, the Washington Post, which is not exactly known as a conservative newspaper, has done the American people a great service. I do not think anybody with a straight face could say they are part of some vast alleged right wing conspiracy.

Yesterday the Washington Post published a full page list of 94 witnesses who have either fled the country or taken the fifth amendment in relation to the Clinton White House scandals. There has been a pattern of nearly total noncooperation by this administration.

The White House delays and stonewalls, and then complains that the investigation is taking too long. Witnesses flee the country or refuse to testify, and then the White House accuses investigators of being on a witch hunt. Attorney General Janet Reno expands the investigation, and then the White House blames Judge Starr for spending too much money. White House aides suddenly experience massive memory loss and cannot recall any relevant facts about important events.

Mr. Speaker, the American people deserve better than this.

CONGRESS, NOT THE FCC, SHOULD SET TAXES

(Mr. CANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANNON. Mr. Speaker, the most exciting technological development of the past decade is the Internet. This truly global network is a conduit for communication and commerce and is rapidly transforming business, government and virtually every other part of our society.

Not surprisingly, Congress in the Telecom Act 2 years ago moved to push the Internet into our schools. The concept was that deregulation would push down phone rates, allowing for some of the savings to be channeled into connecting schools to the Internet.

That was the intent. The reality has been much different. Starting July 1, every AT&T customer will begin paying a 5 percent surcharge on every long distance call. MCI customers will be burdened with a 5.9 percent markup.

Should every American school have access to the Internet? Yes. Should every American child have the opportunity to tap the wonders of the electronic highway? Clearly, yes. But should every American be forced to pay up to 5.9 percent of their current phone bill in order to funnel funds into a new Federal bureaucracy with the charge to disburse billions of dollars to schools that beg appropriately? The answer to that is no.

The power and authority to levy taxes is clearly vested in Congress. We, not the FCC, should be shaping policy in this area.

EXPRESSING SYMPATHY TO MARY-ALYCE JONES ON THE PASSING OF HER MOTHER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

The SPEAKER pro tempore (Mr. DUNCAN). Without objection, the gentleman from Ohio is recognized for 1 minute.

There was no objection.

Mr. TRAFICANT. Mr. Speaker, I take this time today to notify Members of the House that we could be expressing our condolences to Mary-Alyce Jones on the death of her mother this past Sunday.

Many in the Congress will recognize Mary-Alyce as a longtime employee of the Clerk, whose professional attitude and quiet dignity here on the floor serves as a model for all employees to follow, and Members as well.

□ 1130

So on behalf of all the Congress to not only notify them, we say to Mary-Alyce Jones and the family to please accept our deepest sympathy and know that our thoughts and prayers are with you and your family on this day of loss.

BANKRUPTCY REFORM ACT OF 1998

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 462 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 462

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the

House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3150) to amend title 11 of the United States Code, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 303(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

UNFUNDED MANDATES POINT OF ORDER

Mr. NADLER. Mr. Speaker, pursuant to section 426 of the Congressional Budget and Impoundment Control Act of 1974, as amended by the Unfunded Mandates Reform Act of 1995, I make a point of order against consideration of the rule, House Resolution 462.

Section 425 of that same act, as added by the Unfunded Mandates Reform Act of 1995, states that a point of order against legislation which, one, imposes an unfunded mandate in excess of $50 million annually against State or local governments or, two, does not publish prior to floor consideration a CBO estimate of any unfunded mandates in excess of $50 million annually for State and local entities or in excess of $100 million annually for the private sector.

Section 426 of the Budget Act specifically states that the Committee on Rules may not waive this point of order. On page 2, lines 13 through 15 of House Resolution 462, all points of order are waived against the committee amendment in the nature of a substitute. Therefore, I make a point of order that this rule may not be considered pursuant to section 426 as added by the Unfunded Mandates Reform Act of 1995.

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman from New York makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the act, the gentleman must specify precise waiver language in the resolution on which he predicates his point of order. Having met this threshold burden, the gentleman from New York and a Member opposed each will control 10 minutes of debate.

Pursuant to section 426(b)(3) of the act, after debate the Chair will put the question of consideration; to wit: Will the House now consider the resolution?

The gentleman from New York (Mr. NADLER) will be recognized for 10 minutes, and the gentleman from Colorado (Mr. MCINNIS) will be recognized for 10 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have been complaining for months that this bill was being rushed through without proper consideration. We asked that this bill not be voted on in committee until we got a CBO score, until they told us how much this bill would cost the Federal Government and the taxpayers, until we found out how much this bill would cost in unfunded mandates on the private sector.

Yesterday, we received the CBO score which told us that this bill will impose a cost on the Federal Government of $214 million at least. Interestingly enough, the committee report that was filed by the Committee on the Judiciary, filed hastily without proper study, said there was no fiscal impact on the Federal Government. The CBO report said there was at least a $214 million fiscal impact on the Federal Government.

About an hour ago, just in the nick of time, we received the CBO report on unfunded mandates in the private sector. Let me read from that report. It says, ''Certain provisions in H.R. 3150 that incorporate means testing in the bankruptcy system would impose new private sector mandates as defined in the Unfunded Mandates Reform Act with costs that exceed the statutory threshold of $100 million in 1996 annually adjusted for inflation.''

It goes on to list what some of those costs are. Then in the next page, page 2 of the report from CBO, we read, ''CBO estimates that the direct cost of the private sector of complying with mandates in H.R. 3150 would exceed the statutory threshold in the Unfunded Mandates Reform Act in each of the first 5 years that new mandates were effective.'' It goes into what those costs would be.

Then it says the following. ''Some estimates of increased costs for attorneys and private trustees in Chapter 7 filings have been several hundred dollars per case. Chapter 13 filings have ranged from several hundred dollars to over a thousand dollars per case per year. More than 1.3 million bankruptcy filings occurred in 1997. Because reliable national data on the cost of the bankruptcy system are lacking, CBO does not have sufficient information to place a reasonable upper bound on its estimate.''

So we do not know what the upper bound is, but we can say the following: Several hundred dollars per case at a minimum to a thousand dollars per case at a maximum, at 1.3 million cases, that means a minimum cost to the private sector of $260 million and a probable maximum cost of $1.3 billion in unfunded mandates to the private sector.

Who pays for this? We are told that Americans are losing large sums of money because deadbeats are deadbeating, not paying their debts; and we have to crack down on this bill and make them pay their debts. This will take $290 million minimum, $1.3 billion maximum out of the sum of money from which people can pay their debts. So the creditors will be out between $260 million and $1.3 billion by the administrative burdens of this bill.

Mr. Speaker, in 1995, with great fanfare as part of the Contract with America, the Republican majority in this House passed the Unfunded Mandates Reform Bill, a bill that said, and I remember all the rhetoric on the floor and I am sure my friend from Colorado remembers it too, Congress should not be in the business of imposing unfunded mandates on private sector businesses and individuals. We should not do it.

That is why the act says you can raise a point of order against a bill that imposes such mandates as this one does. It imposes such costs on innocent individuals, in this case, on creditors in the private sector. That is why the bill provides for a vote on the point of order.

The idea, the Unfunded Mandates Reform Act, was that if we are going to impose a mandate that we are not going to pay for, we ought to stand up and vote for it and say so.

I am putting everybody on notice, if my colleagues vote against the point of order, they are voting for two things. They are voting that contrary to the act, it is fine for Congress to place $1.3 billion unfunded mandates on creditors in the private sector.

I voted against the Unfunded Mandates Reform Act. But anybody who voted for that act and is in this Chamber today, who votes against this point

of order, is saying either that he was not being honest when he voted for that bill or that he changed his mind since then. People are entitled to change their minds.

But that is what we are saying, either that my colleagues never believed in the purpose of the Unfunded Mandates Reform Act or that they no longer believe in the purpose of the Unfunded Mandates Reform Act.

I never believed in it. I voted against the bill. I am going to vote for the point of order, because I think we ought to uphold the law. That is what is involved here.

CBO tells us that this bill will impose a cost of $260 million to $1.3 billion on the private sector in unfunded mandates. According to the Unfunded Mandates Reform Act that the majority Republican passed, that is something that Congress should never, never, never, ever do. So I anticipate that most of our friends on that side of the aisle will vote in favor of that order.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Colorado does have the right to close the debate on this point of order.

The Chair recognizes the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from New York kind of surprises me. I am listening very carefully to his points about the private sector unfunded mandates. While the gentleman was speaking very artfully, I might add, I was looking up the voting record 2 weeks ago. The gentleman who today, as he said, feels and speaks very strongly against mandates on the private sector voted against, voted against the Mandates Information Act which was the Republican Party majority's way of trying to avoid mandates on the private sector.

I guess, as the gentleman said, we are entitled to change our mind. He has changed his mind in the last 2 weeks. Welcome on board.

Let us talk about the facts of what we have today; and that is the Congressional Budget Office, which, again, the gentleman very eloquently spoke of, but he did not quite include all of the facts.

One of my favorite things I like to listen to is Paul Harvey. He has got a little thing: ''And now for the rest of the story.'' Well, let us talk about the rest of the story. I quote from the CBO study, ''H.R. 3150 contains no intergovernmental mandates as defined by the Unfunded Mandates Reform Act.''

There is a possibility, a remote possibility about some type of unfunded mandate on the private sector out there; but, of course, we could have eliminated even this type of concern a couple of weeks ago with the assistance of the gentleman from New York, which we did not receive.

I think that this point of order is not appropriate.

Mr. Speaker, I reserve the balance of my time

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, apparently the gentleman from Colorado did not listen to what I said. I said I voted against the Unfunded Mandates Reform Act because I do not have a problem personally with unfunded mandates on the private sector being enacted by Congress for good and proper purposes.

I did not agree with that act then. I do not agree with it now, but it is the law. What I am saying is that, if you vote yes on proceeding today, you are voting against the purpose of that law.

I am going to vote no because I think it is a terrible bill. I think that we ought not to be conceit doing that. I think that, if we pass a law, we ought to obey it. If I had my way, I would repeal the law. I did not vote for it. But I think that if it is on the books, we ought to obey the law, which is why I am going to vote against proceeding and urge my colleagues to do so.

I do not know what the gentleman was reading from a moment ago about government. That was probably yesterday's report of CBO. But today's report of CBO is about private sector mandates. Yesterday's report said at least $214 million unfunded mandate on the Federal Government. Today says somewhere between $260 million and $1.3 billion unfunded mandate on the private sector, which will come out of the money available for repayment of creditors.

I think that, frankly, as I said, the bill was rushed through. I do not think that the sponsors of the bill anticipated this effect and ought to go back for further study and amendment.

Mr. Speaker, I reserve the balance of my time.

□ 1145

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I include for the RECORD a letter from CBO and a report of CBO.

The material referred to is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 10, 1998.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office (CBO) has prepared the enclosed summary review of H.R. 3150, the Bankruptcy Reform Act of 1998, for private-sector mandates. CBO completed a federal cost estimate and an assessment of the bill's effects on state, local, and tribal governments on June 5.

If you wish further details on this review, we will be pleased to provide them. The CBO staff contact is Matt Eyles.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

H.R. 3150—Bankruptcy Reform Act of 1998

Summary: H.R. 3150 would make many changes and additions to the federal bankruptcy laws. By amending the bankruptcy code, the bill would affect consumer debtors, business debtors, secured and unsecured creditors, bankruptcy trustees, attorneys, debt relief counselors, and other entities in the private sector. Certain provisions in H.R. 3150 that incorporate means-testing in the bankruptcy system would impose new private-sector mandates, as defined in the Unfunded Mandates Reform Act UMRA) with costs that exceed the statutory threshold ($100 million in 1996, adjusted annually for inflation). Specifically, new enforceable duties would be imposed on private trustees who administer bankruptcy cases, attorneys, debt relief counselors, and utilities, as defined in the bill. H.R. 3150 would also impose additional duties on parties who file for relief under the bankruptcy system, although new requirements for bankruptcy filers would not be considered new mandates for purposes of UMRA. Furthermore, H.R. 3150 contains provisions that could impose costs on certain categories of creditors who receive distributions from bankruptcy estates by delaying payments to creditors and by raising administrative costs. Increased administrative costs would reduce the pool of funds available for creditors.

Private-Sector Mandates and Effects: H.R. 3150 would establish a system of means-testing provisions for determining the eligibility of consumers for relief under the bankruptcy system. Participants in consumer bankruptcy proceedings would be most affected by the bill. Under current law, most individual debtors who seek bankruptcy relief have two options: liquidation (Chapter 7) or reorganization (Chapter 13). H.R. 3150 would institute a ''needs-based system'' for relief under Chapter 7 by requiring individuals (and households) who file for bankruptcy to seek debt relief under Chapter 13 if they earn a regular income equal to or greater than the national median income (adjusted for household size) and could pay at least 20 percent of their unsecured debts and $50 per month. In addition, H.R. 3150 would amend other provisions in federal bankruptcy law, including those covering family farmers and municipalities, collection of bankruptcy data, single-asset real estate debtors, the treatment of certain taxes, and cross-border bankruptcy cases.

CBO estimates that the direct costs to the private sector of complying with mandates in H.R. 3150 would exceed the statutory threshold in UMRA in each of the first five years that new mandates were effective. The lion's share of costs would be imposed on private trustees who administer bankruptcy estates, providers of debt relief counseling services, and attorneys. Most mandate costs would stem from new requirements to investigate and verify financial information provided by bankruptcy filers. Costs would be imposed on debt relief counselors by enacting new consumer protection regulations. Some estimates of increased costs for attorneys and private trustees in Chapter 7 filings have been several hundred dollars per case, and estimates for Chapter 13 filings have ranged from several hundred dollars to over $1,000 per case per year. More than 1.3 million bankruptcy filings occurred in 1997. Because reliable national data on the costs of the bankruptcy system are lacking, CBO does not have sufficient information to place a reasonable upper bound on its estimate.

CBO's estimate excludes: financial transfers between debtors and creditors that would result from enacting H.R. 3150; costs that could result from delaying distributions from bankruptcy estates to certain creditors; and potential reductions in debtor repayments if the costs of administration for the bankruptcy system rise by more than payments by debtors.

Attorneys and trustees in Chapter 13 cases would be able to recoup most mandate costs.

Administrative costs in Chapter 13 cases, which include attorneys' and trustees' costs, receive priority treatment in Chapter 13 cases and, therefore, those costs would likely be offset by increased payments from bankruptcy estates. Mandate costs for Chapter 7 trustees, however, would reduce trustee income because provisions are lacking for reimbursement for increased trustee costs from Chapter 7 debtor estates.

To the extent that the bill would delay payments from liquidated or reorganized bankruptcy estates, the bill could impose costs on certain creditors. However, by increasing the number of debtors who are required to file under Chapter 13, the bill would likely increase the pool of funds available to creditors, which would benefit creditors. Again, offsetting a portion of the benefits to creditors would be the higher costs of administering a bankruptcy system that uses means-testing. As a result, some creditors could ultimately receive smaller distributions.

Estimate Prepared By: Matt Eyles.

Estimate Approved By: Arlene Holen, Assistant Director for Special Studies.

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman from New York (Mr. NADLER) is recognized for the balance of his time.

Mr. NADLER. Mr. Speaker, the issue on this point of order is very simple. This House, under Republican leadership, passed the bill. They said we should not impose unfunded mandates on the private sector. Some of us did not agree with that, but that is the law.

This bill, according to the Congressional Budget Office, by whose judgment we are bound, imposes an unfunded cost on the private sector of somewhere between $260 million and $1.3 billion per year. That will come out of the money available to pay creditors.

We should not proceed. The sponsors of this bill I am sure did not anticipate this. The committee report says it does not impose any costs. That is wrong. It obviously does.

We have said for a long time that this bill was rushed through, that the proper research was not done, the implications were not understood. It is now clear that that is true. I would urge that on the substantive grounds that when we legislate, we ought to legislate knowing what we are doing, understanding the implications and all the pros and cons and effects of the bill. We ought to put this aside and come back to it another day.

On the legal mandate of the Unfunded Mandates Reform Act, we should not proceed to impose such a mandate on the private sector because that is the law that the gentleman on the other side of the aisle imposed on us. Therefore, I urge a no vote, which I am told is how we have to go in order to proceed.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. MCINNIS) is recognized to close debate.

Mr. MCINNIS. Mr. Speaker, I think what the gentleman from New York has said, and I will quote him here in just a moment, is the very clear definition of the difference between the Republican Party and the Democratic Party. The gentleman from New York very ably states the Democratic Party position. That is, they do not have a problem with unfunded mandates on the private sector.

The Republican Party has a big problem with unfunded mandates on the private sector. The gentleman should keep that in mind. There is a distinct difference between his side of the aisle and our side of the aisle. We do not think we ought to be putting unfunded mandates on the private sector.

I will quote the gentleman from New York (Mr. NADLER), and this is him speaking, ''I do not have a problem with unfunded mandates on the private sector.'' I do. I think the people are out there working, trying to make a living. By the way, they fund us. They are the taxpayers. We work for them.

For us to continue to go back to the private sector and continue to hammer them and hammer them and hammer them with more taxes, and that is what unfunded mandates are, more taxes and more taxes and more taxes, we are going to break the bank. We are going to break the bank. We have to get off the shoulders of the working people out there. It is a clear distinction between gentleman's party and ours.

Now, on the point of order, I realize the gentleman diverted us from the point of order. Let me make it clear that the point of order does not fit the claim that the gentleman was making.

I wish the gentleman could have been in attendance at the Committee on Rules last night. We would have been happy to discuss with the gentleman, previous him to coming to the floor and tying us up for an hour or so with this point of order, that while I think the point of order certainly is put forward with good intent, it is not right. It is out of order. It just does not fit. It is not fitting the claim. The gentleman's argument, the puzzle does not come together.

Under the rules that we have here, the point of order cannot be sustained, in my opinion, because, and I do not want to say it does not make sense, because that sounds derogatory, and I do not intend to be derogatory to the gentleman from New York, but it certainly falls short of the standards that need to be met.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am in the middle of a meeting of the Committee on Rules upstairs, but when I saw my good friend, the gentleman from New York (Mr. JERRY NADLER) make a point of order against an unfunded mandate, I could not constrain myself and I had to come down here on this floor.

Let us set the record straight. If there was an unfunded mandate in this bill, I would be raising the point of order, the gentleman would not have to, or anybody else, as I did the other day when there was an unfunded mandate on this floor and I raised the point of order.

Mr. Speaker, it seems to me that the gentleman from New York knows as well that we have a good track record since we established the unfunded mandate points of order against the public sector when unfunded mandates were brought on the public sector, and then on the rule change that we made the other day, applying that to the private sector, we intend to carry that out. I can assure the Members as chairman of the Committee on Rules, if there is ever an unfunded mandate on a bill, I will be down here raising that point of order. I wanted to make that straight.

I just have to raise this point, that my good friend, the gentleman from New York (Mr. JERRY NADLER) has recognized, and he admits that he is one of the most liberal members of this House. He votes just about for everything where you are going to spend more money, and he votes yes on everything and no on nothing when it comes to spending money. But I respect him, because that is his philosophy.

Again, Mr. Speaker, I just want to assure the gentleman, there is no unfunded mandate in this bill. The Congressional Budget Office will verify that.

Mr. NADLER. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. I yield 15 seconds to the gentleman from New York.

Mr. NADLER. The question for the two gentlemen, and I do not know who wants to answer it, the gentleman from New York says there is no unfunded mandate in here. The gentleman from Colorado says that the puzzle just does not fit.

I simply ask, the CBO report says, ''Certain provisions in H.R. 3150 would impose new private sector mandates as defined by the Unfunded Mandates Reform Act with costs that exceed the statutory threshold.'' Why does the gentleman say it does not fit?

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the point of order lies against the public sector. I think what is critical here and what the chairman has come down to say from the Committee on Rules, he came out of the Committee on Rules because he saw this on television, that is to reemphasize the difference between this side of the aisle, the Republican side of the aisle, and the gentleman's side of the aisle. That is, we do not buy into this unfunded mandates stuff.

I know, and I will approach the gentleman again, this is the gentleman's quote from just a couple of minutes ago, that the gentleman does not have a problem with unfunded mandates on the private sector. Once again, on the Republican side of the aisle, we have a heck of a problem with unfunded mandates on the private sector. As I said

earlier, how much more burden can we put on these people?

I just came from my office where I met with some people out there that are in small business. Their main discussion is that we continually put it on top of them, we continually hit them with these mandates, more regulations, more rules. It is appalling for me to come over here to the floor.

Mr. Speaker, the rest of the story is that the Republicans are not going to buy into unfunded mandates. These people in my office, these are not wealthy people, these are small business people. In fact, several of them were having difficulty coming to Washington, just being able to afford the lodging over here. They talk over and over again about how crushing, how crushing the Federal Government can be to small business with a lot of these kinds of mandates.

I realize that we are on the point of order. As I said to the gentleman, with all due respect, I think his point of order, while offered in good intent, does not fit the claim he is making.

I think the gentleman then kind of moved the point of order into a discussion on mandates, and the gentleman's position is, he does not mind mandates, Federal mandates on the private sector, unfunded mandates, by the way.

Let me explain what the ''unfunded mandate'' means. That means a regulation by the Federal Government, often an order by the Federal Government, on a small businessman, ordering them to perform something, or in an intergovernmental way, it can be intergovernmental, on a State government, ordering them to do something but not paying for it. That should not happen. It should not be.

That is why, and it is pretty easy to focus on, and that is why it is not too often, but this morning, anyway, we have been able to draw a clear distinction between the Republican side and the Democratic side. But boy, if there is one this morning, here it is right here, unfunded mandates. We are not going to go into it. We do not support them.

This kind of legislation we are talking about, I wish we would have had some of the points that the gentleman made in this kind of debate 2 weeks ago when we had the bill, the Information Act. That would have been a lot of fun to have that kind of debate.

Let us wrap it up. The way to wrap it up is really quite simple. Number one, the Republicans will not, contrary to what the gentleman from New York's policy is, we do not support these kinds of unfunded mandates. We do have a big problem with unfunded mandates. As the chairman from the Committee on Rules said, he would be the first one down here pushing this point of order if in fact he felt there was an unfunded mandate on governmental units.

Mr. Speaker, the second issue that we should summarize on is, hey, let us stop this unfunded mandate stuff. This point of order is not in order. It should be ruled on by the Chair.

The SPEAKER pro tempore. All time has expired.

The question before the House is: Will the House now consider House Resolution 462?

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MCINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to—

The SPEAKER pro tempore. Does the gentleman from Colorado (Mr. MCINNIS) recognize that the noes prevailed on the pending vote?

Mr. MCINNIS. I am a little confused as to the order.

POINTS OF ORDER

Mr. NADLER. Mr. Speaker, we continued. The vote is over.

Mr. MCINNIS. I have the floor, Mr. Speaker, and I make a point of order to that point.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. MCINNIS) has the floor.

Does the gentleman from Colorado object to the vote?

Mr. MCINNIS. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. MCINNIS) objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present.

A quorum is not present. Under the rule, the yeas and nays are ordered. Those in favor will say aye——

Mr. NADLER. Mr. Speaker, business intervened. Speech intervened. He did not ask for the vote or object to the quorum until the Chair asked about it. I object to this. He had gone on, all right.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. MCINNIS) objected to the vote. The gentleman from Colorado (Mr. MCINNIS) objected to the vote.

Mr. NADLER. Mr. Speaker, business intervened. Before he objected to the vote, he started saying he asked 30 minutes for speaking time, et cetera. We had already progressed. He did not object to the vote.

The SPEAKER pro tempore. There was no business that intervened. The gentleman from Colorado (Mr. MCINNIS) did not have the floor for debate since the pending voice vote was against consideration.

The gentleman from Colorado (Mr. MCINNIS) did not have the floor for debate. The gentleman from Colorado objected to the vote.

Mr. MCINNIS. That is correct, Mr. Speaker. I had the floor. I was on my feet and had the floor.

The SPEAKER pro tempore. The Chair will repeat, the gentleman from Colorado (Mr. MCINNIS) has objected to the vote on the ground that a quorum is not present.

Mr. NADLER. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The gentleman makes the point of order that a quorum is not present.

Mr. NADLER. Mr. Speaker, I object on the ground that the RECORD will show, if the Clerk will read the RECORD, that the gentleman had gone on to another subject, had already started talking about something else, and did not, did not object on the ground that a quorum is not present until the Speaker asked him, do you not want to object that a quorum was not present?

The vote was already over and cannot be continued at this point. I make a point of order.

□ 1200

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman from Colorado (Mr. MCINNIS) had not been recognized to debate the resolution since the House had not voted to consider the resolution. Therefore, no intervening business had been transacted.

Does the gentleman from New York (Mr. NADLER) insist on appealing the ruling of the Chair?

Mr. NADLER. Mr. Speaker, no, I do not.

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) has withdrawn his appeal of the ruling of the Chair.

The gentleman from Colorado (Mr. MCINNIS) has objected to the vote. That objection was made on the grounds that a quorum was not present, and the gentleman has made a point of order that a quorum is not present.

Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The Chair reminds all Members of the Speaker's announcement today. Based on the request and the order of the Speaker, this will be a strictly enforced 17-minute vote.

The vote was taken by electronic device, and there were—yeas 248, nays 166, not voting 19, as follows:

[Roll No. 216]

YEAS—248

Aderholt	Camp	Dunn
Archer	Campbell	Ehlers
Armey	Canady	Ehrlich
Bachus	Cannon	Emerson
Baesler	Cardin	English
Baker	Castle	Everett
Ballenger	Chabot	Ewing
Barr	Chambliss	Fawell
Barrett (NE)	Chenoweth	Foley
Bartlett	Christensen	Forbes
Barton	Coble	Fossella
Bass	Coburn	Fowler
Bateman	Collins	Fox
Bereuter	Combest	Frank (MA)
Bilbray	Cooksey	Franks (NJ)
Bilirakis	Cox	Frelinghuysen
Bliley	Cramer	Frost
Blunt	Crane	Gallegly
Boehlert	Crapo	Ganske
Boehner	Cubin	Gekas
Bonilla	Cunningham	Gibbons
Bono	Davis (FL)	Gilchrest
Boswell	Davis (VA)	Gillmor
Boucher	Deal	Goode
Boyd	DeLay	Goodlatte
Brady (TX)	Deutsch	Goodling
Bryant	Diaz-Balart	Gordon
Bunning	Dickey	Goss
Burr	Dingell	Graham
Burton	Dooley	Granger
Buyer	Doolittle	Greenwood
Callahan	Dreier	Gutknecht
Calvert	Duncan	Hall (TX)

Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kim
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Young (AK)

NAYS—166

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dixon
Doggett
Doyle
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Fattah
Fazio
Filner
Ford
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Schumer
Scott
Serrano
Skelton
Slaughter
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOT VOTING—19

Borski
Conyers
Cook
Farr
Gilman
Gonzalez
Harman
Houghton
Inglis
Klug
Leach
Linder
Lofgren
McDermott
Moakley
Oxley
Pickett
Sensenbrenner
Young (FL)

☐ 1219

Mr. DICKS, Ms. MCCARTHY of Missouri, and Messrs. OBEY, JEFFERSON, and BISHOP changed their vote from ''yea'' to ''nay.''

Mr. GIBBONS and Mr. ROTHMAN changed their vote from ''nay'' to ''yea.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MCDERMOTT. Mr. Speaker, I was unavoidably delayed at the White House and missed rollcall vote number 216 regarding House Resolution 462. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, During Rollcall Number 216 I was unavoidably detained and missed the vote. If I had been present I would have voted ''aye.''

The SPEAKER pro tempore. The gentleman from Colorado (Mr. MCINNIS) is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 462 is a structured rule providing for consideration of H.R. 3150, the Bankruptcy Reform Act of 1998, a bill that will improve bankruptcy practices and restore personal responsibility and integrity to the bankruptcy system.

House Resolution 462 provides for 1 hour of general debate, equally divided between the chairman and ranking member of the Committee on the Judiciary. The rule also waives section 303(a) of the Congressional Budget Act against consideration of the bill.

Mr. Speaker, the rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill be considered as an original bill for the purpose of amendment.

House Resolution 462 provides that the committee amendment in the nature of a substitute shall be considered by title and that each title shall be considered as read. The rule also waives all points of order against the committee amendment in the nature of a substitute. The rule provides that no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the Committee on Rules report.

Each amendment may only be offered in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment.

The rules also waives all points of order against amendments printed in the report.

This rule also allows the Chairman of the Committee of the Whole to postpone recorded votes and to reduce to 5 minutes the voting time after the first of a series of votes, provided that the first vote is not less than 15 minutes.

This provision will provide a more definite voting schedule and will help guarantee the timely completion of this important legislation. House Resolution 462 also provides for one motion to recommit with or without instructions, as is the right of the minority.

Mr. Speaker, we face a bankruptcy crisis in America today in which the needs of the debtor and the rights of the creditor are no longer in any kind of equilibrium. The balance between the debtor and the creditor has been lost and reform is clearly necessary. Basically we are asking that people assume personal responsibility, that they pay their bills when their bills are due, that they not give their word when they do not intend to keep their word.

We need to reestablish and preserve the original balance of the bankruptcy code in areas of which it has lost its fairness and modernize the sections of the code which have become outdated. H.R. 3150 achieves these goals.

When we consider the need for bankruptcy reform, it strikes me that we should simply look at some of the more startling statistics. The number of bankruptcies has increased more than 400 percent since 1980, more than 400 percent since 1980. This year there are expected to be more than 1.4 million bankruptcies, more than one bankruptcy in every 100 American households.

This extraordinary increase comes during a time of economic prosperity, not a period of recession that usually would bring more people into the bankruptcy court. Instead the increase is largely due to bankruptcies of convenience. Let me repeat that, bankruptcies of convenience.

We have the healthiest economy we have ever faced in the history of this country, yet our bankruptcies are exploding. Why? Because it is the convenient thing to do. It is the easy street. It is the easy way out.

This increase of bankruptcies of convenience is simply a ploy that is used by some people that owe money and