We can't let the court turn back the clock on disability rights in the same year that we are celebrating the anniversary of these important protections.

The ADA allowed us to tear down the wall of exclusion and pour a strong foundation for the house of equality. But that house—in which Americans are judged by their ability and not their disability—is still being built.

The promise remains unfulfilled, but still is within reach.

I urge my colleagues to support the reauthorization of the Developmental Disabilities Act.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 133

*Resolved by the Senate (the House of Representatives concurring),* That the Secretary of the Senate, in the enrollment of the bill (S. 1809) to improve service systems for individuals with developmental disabilities, and for other purposes, shall make the following corrections:

(1) Strike ''1999'' each place it appears (other than in section 101(a)(2)) and insert ''2000''.

(2) In section 101(a)(2), strike ''are'' and insert ''were''.

(3) In section 104(a)—

(A) in paragraphs (1), (3)(C), and (4), strike ''2000'' each place it appears and insert ''2001''; and

(B) in paragraph (4), strike ''fiscal year 2001'' and insert ''fiscal year 2002''.

(4) In section 124(c)(4)(B)(i), strike ''2001'' and insert ''2002''.

(5) In section 125(c)—

(A) in paragraph (5)(H), strike ''assess'' and insert ''access''; and

(B) in paragraph (7), strike ''2001'' and insert ''2002''.

(6) In section 129(a)—

(A) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(B) strike ''fiscal years 2001 through 2006'' and insert ''fiscal years 2002 through 2007''.

(7) Is section 144(e), strike ''2001'' and insert ''2002''.

(8) In section 145—

(A) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(B) strike ''fiscal years 2001 through 2006'' and insert ''fiscal years 2002 through 2007''.

(9) In section 156—

(A) in subsection (a)(1)—

(i) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(ii) strike ''fiscal years 2001 through 2006'' and insert ''fiscal years 2002 through 2007''; and

(B) in subsection (b), strike ''2000'' each place it appears and insert ''2001''.

(10) In section 163—

(A) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(B) strike ''fiscal years 2001 through 2006'' and insert ''fiscal years 2002 through 2007''.

(11) In section 212, strike ''2000 through 2006'' and insert ''2001 through 2007''.

(12) In section 305—

(A) in subsection (a)—

(i) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(ii) strike ''fiscal years 2001 through 2006'' and insert ''fiscal years 2002 through 2007''; and

(B) in subsection (b)—

(i) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(ii) strike ''fiscal years 2001 and 2002'' and insert ''fiscal years 2002 and 2003''.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on Senate Concurrent Resolution 133, and to include extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## GENERAL LEAVE.

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 616.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## MOTION TO GO TO CONFERENCE ON H.R. 2415, AMERICAN EMBASSY SECURITY ACT OF 1999

Mr. CHABOT. Mr. Speaker, by direction of the Committee on International Relations and pursuant to clause 1 of rule XXII, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. CHABOT moves that the House disagree to the amendment of the Senate to the Bill H.R. 2415 and agree to the conference requested by the Senate.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. CHABOT) is recognized for 1 hour.

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

Mr. Speaker, the purpose is to go to conference on H.R. 2415.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

PARLIAMENTARY INQUIRIES

Mr. CONYERS. Parliamentary inquiry, Mr. Speaker. Is it not traditional that at least the other side of the aisle would get half the time, 30 minutes? Is that not traditional here?

The SPEAKER pro tempore. The time for debate on this motion is 1 hour. It is at the discretion of the gentleman from Ohio (Mr. CHABOT).

Mr. NADLER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) will state his parliamentary inquiry.

Mr. NADLER. Mr. Speaker, do I understand the Chair to be saying that the majority party has decided that the minority has zero time for debate on this bill because it is embarrassed by this bill, or because of some other reason?

The SPEAKER pro tempore. The gentleman from Ohio has moved the previous question on the motion.

Mr. NADLER. Continuing parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. NADLER. Mr. Speaker, am I to understand from what the gentleman has said and from what the Speaker is saying that the minority is to be denied its customary time to debate this bill; that there is no time to debate this bill at all? Is that what we are to understand?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. NADLER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York will state his inquiry.

Mr. NADLER. Under the rules of this House, how much time will the minority get to debate this bill, this motion?

The SPEAKER pro tempore. If there is a motion to instruct the conferees, the hour of debate on that motion is equally divided.

Mr. NADLER. I cannot hear you, sir.

The SPEAKER pro tempore. Any motion to instruct conferees to follow will be debatable for one hour, equally divided.

Mr. GEJDENSON. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Connecticut (Mr. GEJDENSON) will state his parliamentary inquiry.

Mr. GEJDENSON. Mr. Speaker, is the Speaker aware of other precedents where the minority was not given half the time to discuss the motion to go to conference?

The SPEAKER pro tempore. The gentleman has simply moved the previous question.

Mr. GEJDENSON. Excuse me, again, Mr. Speaker. Is it not the tradition of the House that the minority have an opportunity to discuss the motion, and not be silenced by this parliamentary maneuver?

The SPEAKER pro tempore. The Chair cannot be the historian of the House under the guise of a parliamentary inquiry.

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

The SPEAKER pro tempore. The gentleman from Ohio (Mr. CHABOT) has moved the previous question.

Mr. GEKAS. Mr. Speaker, may I try to untangle this?

The SPEAKER pro tempore. Are there further parliamentary inquiries?

Mr. GEJDENSON. Continuing parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Connecticut will state his parliamentary inquiry.

Mr. GEJDENSON. Would it be appropriate at this point, Mr. Speaker, for the gentleman from Ohio to ask unanimous consent to remove his motion, and then we can have a discussion?

Mr. CHABOT. Mr. Speaker, I withdraw my request for the previous question.

Mr. Speaker, I yield 10 minutes to the other side and 10 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

The SPEAKER pro tempore. Without objection, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Pennsylvania (Mr. GEKAS) each will control 10 minutes.

There was no objection.

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

Mr. Speaker, when we came to the floor for this august parliamentary debate, we came with the understanding that an agreement had been reached that on the motion to go to conference, that there would be no debate and that it would be routinely accorded a voice vote, and then we would move to what the minority has planned to do; namely, to move on a motion to instruct the conference. That was the understanding under which we came to the floor.

If Members want to begin the debate on the content of their motion to instruct during the motion to go to conference, they are just duplicating effort. Why do we not all agree that the motion for conference, to go to conference, will be accorded a voice vote, and then go into the debate on the motion to instruct? That is the gentlemanly way to approach this.

I ask the minority to allow the vote to go to conference to take place, and then we can proceed to the motion to instruct, and we will debate the merits of that motion.

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

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

Mr. Speaker, I would say to my friend, the gentleman from Pennsylvania; they are there are two different questions involved. We cannot roll one into the other and say, let us go on. We want to talk about what is happening procedurally on this bill.

We are dealing with a bill that has already been passed into law in which there is an attempt now to patently misuse the legislative process. Enough time on that.

Mr. Speaker, it is my understanding that the State Department authorization has already been enacted. Is this bill, therefore, merely being used as a vehicle to enact bankruptcy, the bankruptcy provisions?

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GEKAS), the ranking member of the subcommittee; the chair of the subcommittee.

Mr. GEKAS. Mr. Speaker, we should at least get that right.

Mr. Speaker, I am willing to answer. Let us go back to something I said. How can the gentleman from Michigan say that?

Mr. CONYERS. Mr. Speaker, yes or no, please.

Mr. GEKAS. Mr. Speaker, is the gentleman yielding to me or not?

Mr. CONYERS. I am, for an answer.

Mr. GEKAS. What is the question? What is the answer?

Mr. CONYERS. I could give the gentleman the answer as well, but the question is, is this bill before us merely a vehicle to enact the bankruptcy provisions?

Mr. GEKAS. No, not merely.

Mr. CONYERS. Not merely. What else?

Mr. GEKAS. It depends on what the word ''else'' means and what ''is'' means. But at this point, it is not merely to put in the bankruptcy.

Mr. CONYERS. Yes. That is very good.

Mr. Speaker, this is a very poor process, as everybody on the floor has already noted. This is totally against tradition, to attempt to move this measure of bankruptcy into a measure that has already been passed into law. This is incredible.

Mr. Speaker, as a matter of fact, I will ask for the assistance of the gentleman from Virginia (Mr. BOUCHER), and will need, at the appropriate time, to be asking the Speaker for an exercise of discretion to substitute him for me as a conferee on the following issues with regard to enhanced consumer protection, priority child support provisions, general and small business bankruptcy provisions, municipal bankruptcy provisions, data bankruptcy, and several other items.

Mr. Speaker, I would ask the Speaker to keep that in mind at the appropriate time.

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

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

Mr. Speaker, some day before this session is over or before our careers are over, I say to the gentleman from Michigan, I want him to explain to me on a one-to-one basis why we came to this floor on a gentleman's agreement that we were going to proceed on the motion to conference and then reserve the debate for the motion to instruct?

If there was no such agreement, then I say to the gentleman, we will stay here for 3½ hours, if the gentleman wants to, to debate the motion to instruct, or any phase of what the gentleman wants to try to get across.

All I am saying to the gentleman is, are we not prepared now to go to a motion to instruct?

□ 1715

Let us just proceed with the debate.

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

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, let me start from the beginning and say I was aware of no gentleman's agreement. In order to purchase the right to speak on this bill, we just gave up the right to vote on this bill because of the coercion by the Republican majority.

We had to purchase the right to speak on this bill for 10 minutes on our side instead of 30 minutes, because my colleagues are trampling on the rules and the customs and the procedures of the House, because my colleagues do not want any debate on this bill, because it will not stand the light of day, especially what my colleagues are doing here.

This is a State Department reauthorization bill, but who is managing it? Do we see the foreign affairs committee people here on either side of the aisle? No, everybody knows that is a fiction. This is a bankruptcy bill, and therefore the Committee on Judiciary people are here, the gentleman from Pennsylvania (Mr. GEKAS), the gentleman from Connecticut (Mr. CONYERS), myself in order to deal with this bankruptcy bill in the guise of the State Department authorization bill, a motion to go to conference on the State Department authorization bill, a bill that was signed into law last year, number one.

Number two, why? Why are we trampling upon the normal procedures and rules of the House? Because $40 million has been spent on lobbying and campaign contributions by the big banks and they must be repaid. They must get their way. People in the margins of society, those who have had their jobs sent overseas, who have suffered serious illnesses, who have had to face the economic consequences of divorce or the death of a breadwinner, these Americans have very small voices in this Congress, and they are drowned out by the millions spent by the big banks, by the shopping centers, the credit card companies.

This dominates and will have their way on this, even if the majority just trampled the rules and the procedures and customs of the House.

Mr. Speaker, we are not getting prescription drug relief. We are not getting campaign finance reform. Farmers have been without chapter 12 relief for months while family farms are still being held hostage to the banks' wish list. We have not even done our basic business and passed the appropriations bills to fund the Federal Government.

But today we have before us in the guise of a motion to go to conference on a State Department bill, a 400-page list of favors for the large special interests. We should pay our debt to the American people, first. No one knows what is in the bill that is going to be proposed in this conference. Nobody here will get to review it.

This will be another secret shame on the House and on the voters. This is a perfect illustration of the depths to which our failure to pass serious campaign finance reform a few years ago has brought us. I am sorry that we do not have a full hour to debate this bill, that we have only 20 minutes because

of the wish of the majority to trample on the rules of this House, because they do not want to see this bill really debated, to see the light of day, because if the American people really knew what was in it, they would be outraged.

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

Mr. Speaker, the gentleman from New York (Mr. NADLER) really wants to debate the bill. If we do debate it for another 2 hours or 4 hours, it will be a cumulation, a cumulative period of about 50 hours that we have spent debating the very same items that are in this bill that were in when we first debated it and which gained in the House of Representatives 315 votes.

This was a bigger vote on the same provisions, almost the same wording, a bigger vote than the previous time when the House voted 300-something-plus on the same provisions to which we are addressing these remarks.

It has been debated in committee, in subcommittee, off the floor, in informal conference, in the newspapers, in the forums of the news media, and we are prepared to do the will of the Congress, to do the will of the House. That is why we had to use this extraordinary measure to make sure that the will of the people in the country and the will of the Members of the House and of the Senate be accorded a vote finally on bankruptcy reform.

What has happened is, even though we tried valiantly through our chairman, the gentleman from Illinois (Mr. HYDE), to try to convene a conference as far back as June, recalcitrant Members of the minority in the other body saw fit to try to wreck this reform measure, just as others even on the floor here today are trying to do, and because of that, we had to move along, plug along in trying to get a vehicle or a methodology by which we can return back to this floor with the bill which had handsomely passed this membership. And even though the gentlemen who are now speaking on the minority were eloquent in lambasting the unfairness of the bill and all the concoctions that they wrought for the purpose of trying to defeat the bill, despite all of that, I repeat with pride, that 315 Members voted in favor of it.

Only the members of the Committee on the Judiciary on the minority were in any kind of gathering of force to try to oppose it, and they failed miserably.

What we are trying to do, Mr. Speaker, is to allow this body to again voice its approval of a much-needed reform. Our country needs bankruptcy reform. The people by a handsome majority favor the reform measure. If we want to argue it some more, we will keep bringing up the 315 votes, we will keep bringing up those people who support it, all the groups around the country that are in favor of bankruptcy reform, and do whatever it takes to re-convince the 315 that we are prepared to bring reform in bankruptcy to the American people.

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

Mr. CONYERS. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. OSE). The gentleman from Pennsylvania (Mr. GEKAS) has 5 minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 4 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas, (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is interesting that we come again with the same representation of 315 votes. This is the people's House, but we voted on this bankruptcy legislation that is now being tagged on to a State Department authorization for no reason in 1997, 1998, and 1999. There is no swell in this for this bill to be brought forward with all of the ills that it has. It is a bad bill. There is no need in this economy for a bankruptcy reform.

The bankruptcy judges have said there is no need. The trustees have said there is no need, but there is need to help those who suffer from catastrophic illnesses or senior citizens who cannot afford to do what they need to do because of catastrophic illnesses or because people are divorced, or because there is a question about child support and alimony. These need to be fixed.

There is a homestead exemption that needs to be balanced with other States; but, yet, we are coming to the floor with the bankruptcy bill in the dark of night almost with no understanding as to why this bill has to be pushed through in this session, when, in fact, Mr. Speaker, it has problems.

I know we are going to go to conference. I hope we can try and fix these problems in conference.

Mr. GEKAS. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GEKAS) has 5 minutes remaining.

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

Mr. Speaker, I think the RECORD should reflect the fact that every single issue that the gentlewoman from Texas (Ms. JACKSON-LEE) articulated here in her remarks has been debated, redebated, discussed, rediscussed, overdiscussed, continuously discussed, and hearings were held on them. Then I repeat, because it is an important fact for everybody to remember, after all of that and all of the debate, including the gentlewoman's concerns which she just expressed, 315 Members of the House and whatever it was in the other body overwhelmingly approved bankruptcy reform.

The time has come for us to resolve the issue. Should we or should we not bring bankruptcy reform to the American people? We are facilitating that through this mechanism of the conference which we are about to convene.

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

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. NADLER), the ranking member of the Subcommittee on Commercial and Administrative Law.

Mr. NADLER. Mr. Speaker, I simply want to ask the gentleman from Pennsylvania (Mr. GEKAS), chairman of the subcommittee, since he assured us a moment ago that this House has voted on this bill, can he assure us that the bill that we are going to see is the same bill the House voted on, or is it a different bill? How do we know?

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

Mr. NADLER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, it will be different, but the basic core values of the bankruptcy reform bill which will make sure——

Mr. NADLER. Reclaiming my time, Mr. Speaker.

Mr. GEKAS. Does the gentleman want to reclaim his time?

Mr. NADLER. Yes, Mr. Speaker, it is my time.

Mr. Speaker, I thank the gentleman for answering the question. The gentleman said it will be different, so we have not debated that bill. We may have debated a bill with similar core values. I am not going to say I concede that, I assume that, but it is not the same bill.

Mr. Speaker, I would ask one other if the gentleman wants to answer. What on earth does this have to do with the State Department authorization? What on earth does this have to do with reauthorization of the State Department?

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

Mr. NADLER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, it has to do with the search for better government within the Congress of the United States, in the realm of the State Department and in the realm of bankruptcy reform, and for the good of our people who demand action on the State Department and on bankruptcy reform.

Mr. NADLER. Reclaiming my time, I thank the gentleman, Mr. Speaker. In other words, we are using the State Department bill for something that has nothing to do with the State Department, because we cannot find an honest way under the rules of the House to do this.

Mr. CONYERS. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) has 1½ minutes remaining, the gentleman from Pennsylvania (Mr. GEKAS) has 4 minutes remaining, and the gentleman from Ohio (Mr. CHABOT) has 40 minutes remaining.

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

Mr. GEKAS. Mr. Speaker, I reserve the balance of my time. Is there a tie now?

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I urge that we vote against this misguided effort to include provisions of so-called reform of the Bankruptcy Act that would impose an indiscriminate means test that will be injurious to women, to the payment of childcare; and not only is this process disappointing, the substance of the bill before us falls far short of what this body should do for the hard-working and poor people of this country, more than half of whom file for bankruptcy because of health care costs.

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

Mr. Speaker, this is yet another blatant example of the misuse of the legislative process by the Republican majority. Last week, it was used in the Violence Against Women Act as an excuse to pass special interests legislation benefiting the alcohol wholesalers.

Today, we are attempting to use the State Department bill as a ruse to pass special interests bankruptcy provisions. Now what is wrong with the bill? The proposal attempts to oppose an indiscriminate means test to determine eligibility for bankruptcy relief. It is highly damaging to a single mother's access to the bankruptcy system.

The business provisions of the proposal will impose harsh time deadlines and massive new legal and paperwork requirements. And so I want to say to my colleagues that the bankruptcy referees who have tried to consult with us are shocked that we would move such legislation forward.

Mr. Speaker, I urge my colleagues not to give it their support.

□ 1730

Mr. GEKAS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Speaker, I rise in support of the motion to go to conference on H.R. 2415. I also rise in support of the inclusion of the bankruptcy reform legislation as a part of this measure. Inclusion of the legislation as part of this act will enable us to move forward with a much-needed reform of the bankruptcy laws.

That reform was approved in this House in May by the overwhelming vote of 315 to 108, and I would suggest that that strong vote underscores the broad agreement among Members of the House on both sides of the aisle that we need a bankruptcy reform that restores an element of personal responsibility to the bankruptcy process.

In February of this year, the Senate approved a similar measure by the vote of 83 to 14. Unfortunately, due to procedural hurdles in the Senate, it has been difficult to reach an agreement between the two bodies so that uniform legislation may be considered by both Chambers.

The hurdles encountered in the other body have created the need to utilize the procedure that we are considering today. The legislation takes a balanced approach to bankruptcy reform.

Our main goal in passing the legislation was to encourage those individuals who can repay a substantial part of what they owe to use the reorganization procedures of Chapter 13 rather than the complete liquidation procedures of Chapter 7.

That is a modest and needed reform endorsed broadly in this House, endorsed broadly in the other House. All that we are asking now is the opportunity to have a conference to bring final agreement to this much-needed measure.

So, Mr. Speaker, I urge that this House approve the motion to go to conference.

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

Mr. Speaker, I ask the gentleman from Michigan (Mr. CONYERS) if he is prepared to go to a vote to go to conference. If so, I will yield back the balance of my time, and we can vote on the conference and go to the next portion of this.

Mr. CONYERS. Mr. Speaker, if the gentleman will yield, the answer is yes.

Mr. GEKAS. Yes.

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

Mr. CHABOT. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT).

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. NADLER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill (H.R. 2415) be instructed to insist that—

(1) A meeting of the committee of conference be held and that all such meetings

(A) be open to the public and to the print and electronic media; and

(B) be held in venues selected to maximize the capacity for attendance by the public and the media.

(2) the committee of conference allow sufficient opportunity for members of the committee on conference to offer and to debate amendments to the matters in conference at all meetings of the committee of conference.

Mr. GEKAS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read, and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Under rule XXII, the gentleman from New York (Mr. NADLER) and the gentleman from Pennsylvania (Mr. GEKAS) each will control 30 minutes.

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

Mr. NADLER. Mr. Speaker, if it is in deference to the wish of the majority to move expeditiously, I ask unanimous consent that we limit debate to 15 minutes on each side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. GEKAS. Mr. Speaker, I will think about it for about 3 seconds and say proceed. We will agree to restrict it to 15 minutes on each side.

There was no objection.

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

Mr. Speaker, this motion to instruct simply instructs the managers on several points: one, that all meetings of the conference committee be open to the public and to the print and electronic media and be held in venues selected to maximize the capacity for attendance by the public and the media; that is, that it be held in a large room and that it be open and public.

Secondly, that the committee of conference allow sufficient opportunity for members of the committee on conference to offer and to debate amendments to the matters in conference at all meetings of the committee of conference.

In other words, Mr. Speaker, if we are sending this bill to a conference committee, it should be a real conference committee, not the sham, shadow conference where only people who basically approved of the bill were consulted, and not the sham conference we had 2 years ago where, after a ceremonial opening where no one was allowed to offer amendments, everything else was done in camera and the members of the minority were presented only with a written report to sign or not to sign. There were no further meetings.

If the spirit of democratic procedure, with a small ''d,'' in this House is to be upheld, then the conference committee ought to be a real committee. There ought to be meetings. The meetings ought to be held in a room with chairs and seats and space for the media to report on it as is generally the case with, as in fact is uniformly the case with the rules of the House for committee meetings. That is all this says.

I find it difficult to imagine how anyone can vote against this because all it says is the meetings of the conference committee should be in conformance with the normal practices, open meetings, and the bill should be a result of open deals openly arrived at, to paraphrase Woodrow Wilson.

It is a very simple motion. I expect everyone will support this obviously uncontroversial and constructive motion so that the bill and the changes that will be made in it can be done in the light of day, and everyone can be responsible for what they do. The media, whoever is interested can be there, and there will be seats in the room so people who are interested can watch it. It is hard for me to imagine any grounds for opposing this.

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

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

Mr. Speaker, I am willing to and will yield back the balance of my time and say to the movers of the motion that we agree to the content of the motion and we can go directly to a vote.

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

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume, and I will yield to the gentleman from Pennsylvania for a question.

Mr. GEKAS. Mr. Speaker, if the gentleman will yield, I will answer if I can.

Mr. NADLER. Mr. Speaker, do we have a commitment from the gentleman from Pennsylvania (Mr. GEKAS), a personal commitment, that the terms of this motion to instruct will, in fact, be adhered to, because we have a record here of motions to instruct being ignored. So in other words, do we have a commitment that, in fact, the meetings will be open to the public as it says here and members of the conference committee will have opportunity to offer amendments and so forth?

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, the procedure is implicit in the rules of the House as to how a conference and to what proportions Members will be able to participate and to what degree access to the public will be made, and so I do confirm the rules of the House in that regard.

Mr. NADLER. Mr. Speaker, reclaiming my time, frankly, no one has to confirm the rules of the House. The rules of the House are what they are. But despite the rules of the House, past conferences on this bill and conferences on other bills have not been done this way. Some have. Many have not been.

So I ask if we have the gentleman's personal commitment as a member of the majority, perhaps the chairman of the conference, that the conference will be done in accordance with the urgings of this motion that we are apparently about to pass. Because the rules of the House have no enforcement mechanism. That is why I am asking for his personal commitment as the enforcement mechanism on this situation.

Mr. Speaker, since the gentleman from Pennsylvania (Mr. GEKAS) is looking at me with a quizzical look on his face——

Mr. GEKAS. Mr. Speaker, I always do.

Mr. NADLER. Well, sometimes, I deserve that.

Mr. GEKAS. Yes.

Mr. NADLER. And sometimes not. But in any event, the rules of the House are often waived. So that is why I am simply asking for the gentleman's word, his commitment that, in this case, the rules of the House, as expressed in this motion to instruct, namely, that the meetings will be open to the public and to the print and electronic media, that they will be held in rooms large enough so people can attend, and that members of the conference committee will have the opportunity to offer and debate amendments, that that in fact will be done.

Do I have the gentleman's commitment and assurance that that, in fact, will be done?

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I think we have to divide the gentleman's question. It has so many facets to it.

Let me put it this way. If I become chairman of the conference, I will have some power to determine the parameters of how it would be run. I am the lowly chairman of the subcommittee which happened to author this wonderful and needed bankruptcy reform measure. To the extent that we can expedite this matter, I have tried to cooperate on the floor, as I have in all stages of these procedures. I want this thing to move on; and whatever the conference requires of its members, I will accede in doing.

Mr. NADLER. Mr. Speaker, with all due deference, that is not an answer.

Mr. GEKAS. Mr. Speaker, the question is——

Mr. NADLER. Mr. Speaker, excuse me, it is my time now.

Mr. Speaker, with all due deference, the best way, I do not know if it is the best way, but the easiest way to expedite the process of the bill is to walk out with a bill, have the majority members of the conference committee sign it, and come back and say this is the conference report with no meetings.

So I will ask again, do I have a commitment that there will, in fact, be meetings in a room with the members of the conference committee present at the same time and with members of the conference committee able to offer and debate amendments? Simple request. Do I have that commitment, yes or no?

Mr. GEKAS. Mr. Speaker, if the gentleman will yield, I will offer all the recommendations of the gentleman from New York (Mr. NADLER) to the committee when it is fully formed, and I will have a copy of the CONGRESSIONAL RECORD with all his recommendations in it. We will hope that the conference, for his sake, will accommodate as many of his requests in that multirequest statement he just made, Mr. Speaker.

So there is no need to prolong this. Let us go to conference.

Mr. NADLER. Mr. Speaker, with all due respect, we did not get any commitment that this will be adhered to. I will predict right now, and I will say it on the floor, and, in fact, let me pose a challenge to the Republican leadership. I do not believe they are going to adhere to this. I do not believe there will be a meeting. I do not believe members will have the opportunity to offer amendments. I do not believe there will be votes on those amendments. I do not believe anyone will be able to sit at that meeting.

I challenge them to show me I am wrong. I predict that I am right. I challenge them to show me I am wrong. I challenge them to show me they can, in fact, proceed on this bill in an honorable way under the rules of the House. I bet they do not.

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

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GEKAS) has 15 minutes remaining. The gentleman from New York (Mr. NADLER) has 7½ minutes remaining.

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

Mr. Speaker, I still wanted to go to a vote here. That is why I agreed to the motion.

Mr. Speaker, I will challenge the gentleman from New York (Mr. NADLER) to meet me here in this body next January when we reconvene and review what happened here today to see whether he was satisfied at the procedure that completed the work on bankruptcy reform. I challenge him to do that. Because the conference is a life all of its own. I cannot predict what it will do. I will not chair that conference.

I want to do the best I can to bring before the American people much-needed bankruptcy reform. Where have my colleagues heard that before, Mr. Speaker? They heard that from me, because it is the logical answer to all the contentions made by the people who oppose bankruptcy reform.

We are using a proved mechanism within the rules of the House and the Senate to bring a measure to the floor which has been debated, redebated, discussed, rediscussed, returned to the House, returned to the Senate, one term to the next. There is nothing more to be said except shall I vote yes or no on bankruptcy reform?

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

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

Mr. Speaker, we do not have to wait till next January, because I predict that we will have a bill on the floor, a completed conference report on the floor tomorrow. I also predict there will not have been a meeting, there will not have been votes or amendments.

Now, I am not talking now about the merits of the bill. I am talking about honest, open and democratic procedure so that people can see what is being done in the open light of day in accordance with the normal rules of the House, which hopefully would not be waived in this case.

Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), the honorable ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I see the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the full

Committee on the Judiciary here. Could I ask if he would kindly join with us in pledging to affirm and carry out the details of the motion to instruct.

Mr. Speaker, I yield to the gentleman from Illinois (Chairman HYDE) for some closure on this matter.

Okay. The gentleman from Illinois (Chairman HYDE) does not care to comment on this matter.

□ 1745

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, the gentleman made some interesting points. One, I think the gentleman's inquiry is whether or not the bankruptcy bill is the same bill that saw one or two votes on the floor of the House. The response was that it is not.

Mr. Speaker, I think that is an important point. I rise to support this motion to instruct because in the last session of Congress I was part of the conference on bankruptcy. I recall that conference being the opening of a door to a room, the seating at a table, the gaveling of the opening of that conference and the gaveling of the conclusion of that conference; all probably occurring within a 20-minute time frame, to my recollection. But there was no time for amendments or public view.

I think the misnomer that we have here, Mr. Speaker, is the terminology being used here: bankruptcy reform. There is no reform if we do not take into account people's catastrophic illnesses, divorce, the need for alimony protection, or child support protection. And there is no reform, Mr. Speaker, if the statistics will show that bankruptcy filings are going down.

The reason why this legislation has even come to the forefront and took so long is because there was some crisis that the proponents of this bill viewed that they were having. There is no crisis and the leaders in the industry, the bankruptcy judges, the bankruptcy trustees, say there is no need for reform. The bankruptcy commission never settled on a response or an answer that is incorporated in this bill. The bankruptcy commission never came forward on the means test, and that is what is in this bill.

This motion to instruct should be passed, Mr. Speaker, and I support it.

Mr. Speaker, I come before you today to oppose this motion. It includes the highly controversial bankruptcy bill that was introduced by Senator LOTT during September. This bill, has not improved the very harsh provisions in the bill.

The motion simply eliminates essential provisions for minimum wage and tax break provisions that were agreed upon after a hard fight by Democrats.

This drastic move, by the Republican leadership flies in the face of the months of negotiations by both parties to put forth legislation that would provide adequate protection to the American people. In the time it took to slip this new bill in to the Senate Bill Clerk's Office, one member of the United States Senate cast aside and buried all the time we spent ensuring that certain protections were in place to assist hard working class and lower income people. This is regrettable.

I oppose this motion and introduction of this bill which has made a farce of the political process.

The greatest challenge before us in the bankruptcy reform efforts here in Congress is solving the widely recognized inadequacies of the law in the area of consumer bankruptcy. As it has always been in Congress, the key to this process, is, of course, successfully balancing the priorities of creditors, who desire to general reduction in the amount of debtor filing fraud, and debtors, who desire fair and simple access to bankruptcy protections when they need them.

We must come to a point of consensus on how to approach the problems of consumer-debtor abuse. The main problems in this area are, (1) inaccurate debtor statements of their assets in official filings, (2) multiple bankruptcy petitions in a short span of time in order to gain an automatic stay or immediate protection from indebtedness, (3) too few Chapter 13 participants, and (4) too few Chapter 13 plans are completed, particularly in regard to debtor obligations to unsecured creditors.

Mr. Speaker, imagine a debtor sitting at desk, money in one hand and financial obligations in the other. On the other side of this desk is a line of individuals waiting for payment. In this line there are creditors standing along side their attorneys, mothers holding the hands of their small children and students with books. The debtor begins to pay his creditors pursuant to law. As he begins to make payments he realizes that his available financial resources are limited—secured creditors are paid first. As he turns to make payment for his familiar obligations, the unsecured creditors move forward with their counsel and request payment or a lawsuit. Who will advocate for our children, America's largest indigent group? Who will speak for the recipients of alimony and support payments?

Let me start by stating that I am for bankruptcy reform that is equitable and fair to all interested parties. I am for bankruptcy reform that recognizes the financial interest at stake for the debtor, his family and his creditors. Reform that will give a debtor a fresh start—the new start bankruptcy has historically given to an individual that is financially unable to pay his debts.

The United States Constitution Article I, Section 8, grants Congress the power to establish uniform laws on the subject of bankruptcies throughout the United States. In January 1999 I took the Congressional Oath of Office to support and defend the Constitution of the United States against all enemies, foreign and domestic. It was an obligation that I took freely and without any reservation. As a Member of Congress, I am bound to uphold the Constitution.

My duty to uphold the Constitution is not a theoretical duty but a real duty; it is a duty that compels me to voice my opposition to attempt by Republicans to usurp the process. It is a duty that compels me to protect children, women and honest debtors. It is a duty that obligates me to oppose any legislation that will upset the delicate balance that has evolved over the years between creditors and honest debtors.

Regrettably this bill—will not give an honest debtor—a fresh start. In fact, it will create a modern day debtors' prison. Through the use of reaffirmation agreements and the shackling mandatory provisions of this bill—innocent women and children will be hurt. Alimony and support payments will be subordinated to the interest of creditors.

Children do not have the financial resources to hire an advocate to collect their support payments. Most women do not have the financial resources to hire an attorney to collect alimony payments. Who will advocate for our children—Who will speak for the recipients of alimony payments?

I am concerned about the potential adverse impact that this bill will have on America's families. This bill is not the product of a deliberative process, it is the off-spring of a rubber stamp bankruptcy reform factory—manufactured to curb financial abuse yet its provisions have not been tested. It may give rise to financial over-reaching by dishonest, unscrupulous creditors.

Debtors with the financial ability to pay their obligations should be required to satisfy these debts. Certainly, I am not suggesting that the bankruptcy code should provide a shield for individuals interested in defrauding creditors. Financial responsibility and integrity is a noble cause; however, a debtor's familiar obligations should not be held hostage in an effort to obtain these goals.

This bill redirects a significant portion of a debtor's income to banks and credit card companies without providing a mechanism to protect alimony and child support payments. Who will advocate for our children—Who will speak for the recipients of alimony payments?

This bill creates broader categories of non-dischargeable debt. These new non-dischargeable debt obligations will lower the potential for women and children to receive necessary support payments for their existence. Women and children will be in direct competition for the limited resources of the discharged debtor. Who will advocate for our children—Who will speak for the recipients of alimony payments?

This bill is a catastrophic threat to our families who rely on support payments. Needs based bankruptcy utilizes an artificial mathematical formula, the ''means test,'' that has its genesis in a discretionary equation as determined by the Internal Revenue Service collection standards.

More importantly, this bill, mandates that the bankruptcy court presume abuse exists if the debtor's current monthly income is not less than 25 percent of the debtor's nonpriority unsecured claims. A debtor can rebut this presumption of abuse by demonstrating and establishing ''extraordinary circumstances'' that require additional expenses or adjustment of income.

This problematic formula will ignore or understate the real day to day expenses and financial circumstances of an honest debtor. Bankruptcy legislation must take into account the specific needs of the debtor, his financial obligations and that individual's ability to pay creditors. This bill unacceptable because it authorizes and compels the bankruptcy court to convert a properly filed Chapter 7 bankruptcy into a Chapter 13 pursuant to an arbitrary and capricious procedure that is harsh and extreme.

Our bankruptcy system may be irreparably damaged as a result of attempting to promote

financial responsibility through a ''means test.'' The National Bankruptcy Review Commission rejected the means test formula because it will not accomplish its goal—curbing abuse of the bankruptcy system. The ''means test'' is a mean test because it penalizes honest debtors and their families. The ''means test'' promotes a cookie-cutter mentality to an individualized problem. Who will advocate for our children—Who will speak for the recipients of alimony payments?

Bankruptcy reform must provide assurances for honest debtors that their decision to file Chapter 7 will be respected and thoroughly reviewed before applying a bright-line artificial mathematical test that will thrust the petition into Chapter 13.

This bill severely restricts the availability of debtors to seek protection utilizing State exemption laws. Since 1939, the Texas Constitution, Article 16, section 50, subsection (a), has provided debtors with a homestead exemption against creditors' claims. It states, ''[T]he homestead of a family, or of a single adult person, shall be, and is hereby protected from forced sale, for the payment of all debts.''

Without application to bankruptcy law—this constitutional provision would have little utility for honest debtors. Whatever happened to the concept that a man's home is his castle? In Texas, we believe in this principle and we are opposed to any legislation that threatens the viability of this protection.

Mr. Speaker, the entire Texas Delegation has signed a letter expressing concern over the proposed monetary protection limit on the amount of an individual's homestead. At this time, I would like to introduce a copy of this letter into the RECORD.

Additionally, this bill will create exemptions that are inconsistent with the overall intent and spirit of bankruptcy. Furthermore, honest debtors will be reluctant to file for financial protection because of fear.

We must protect women and children. Over sixty percent of bankruptcy petitioners have been unemployed within a two-year span prior to seeking assistance from the bankruptcy court. Approximately two out of every three petitioners are recently divorced. According to the Consumer Bankruptcy Project, an estimated 300,000 bankruptcy cases involved child support and alimony orders.

Under the existence bankruptcy structure, particularly in Chapter 7, alimony and child support payments survive. Consequently, alimony and child support recipients are almost guaranteed payment because the debtor can discharge other non-secured financial obligations in order to make familiar payments.

We must protect women and children. If we deny access to Chapter 7 to individuals who need this form of protection—debtors who fail to complete the required repayment plan will return to Chapter 7 with a diminished capacity to repay their non-dischargeable debt—including child support and alimony payments. The 1970 Bankruptcy Commission concluded ''forced participation by a debtor in a plan requiring contributions out of future income has little prospect for success. Hence it should not be adopted as a feature of the bankruptcy system.''

We must protect America's families. Most individuals who file petitions in the bankruptcy courts are usually experiencing turbulent times. Financial hardship is a serious matter that deserves legislative reform that is the product of a deliberative process.

We must protect America's families! This bill, is an extreme bill undertaken at the direction of special interest groups. We must protect working-class families. We must work to find a viable solution that deters abuse of the bankruptcy system while preserving the fresh start for discharged debtors.

We must protect America's families! It is ironic that the consumer lending industry actively solicits unsuspecting consumers through the mail with terms of easy credit, buy now—pay later rhetoric. After addicting debtors to this ''financial crack'' lenders are advocating for reform. Of course debtors are responsible for financial obligations that they incur; however, lenders must assume responsibility for their actions in creating the precarious financial crisis we are discussing.

In the 105th Congress, I served as a member of the Subcommittee on Commercial and Administrative law and as a conferee on H.R. 3150, the precursor to the bill being unconsidered under the motion today. Last year, I signed onto the dissenting views of the accompanied report from the committee. The dissents' conclusion is appropriate in this context:

For nearly 100 years, Congress has carefully considered the bankruptcy laws and legislated on a deliberate and bipartisan basis. In the past, Congress has elected also to carefully preserve an insolvency system, that provides for a fresh start for honest, hard-working debtors, protects ongoing businesses and jobs, and balances the rights of and between debtors and creditors.

Because this motion departs from these historical principles, I will vote in opposition to this legislation.

Another problem that deserves attention by Congress is the area of creditor abuse. The lending mechanisms that currently affords credit to consumers with low to moderate incomes have been faulty and have been marked for restructuring, but no improvement has come. We can not risk the creation of a ''two-tier'' credit system in this country that generally ignores the interests of individuals at lower income levels.

I am disappointed that the Republican Leadership has chosen to take two steps backwards for every step forward, however, we, in the Democratic party will press forward and work together to find the best way to accomplish these goals for the greater benefit of all of the parties involved in this process.

Finally, I oppose the motion to go to conference however, if the motion passes I support the Nadler motion to instruct to insure an open conference meeting that complies with the rules of the House.

Mr. GEKAS. Mr. Speaker, I ask unanimous consent to reclaim my time.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the other side for allowing me to speak briefly.

I want to put this debate in the context I think we are missing. We are talking about process, and what I would like to achieve, along with, I think, most Members of this body, is results. The process we have chosen is legal, it is legitimate, and it follows the rules of this body. I would like to focus Members' attention on the fact that the bankruptcy reform bill passed 313 to 108, and in the Senate it was 83 to 14.

The reason we are here in the last hours of Congress having to use the process that we have chosen is because a handful of people who want to defeat the will of both bodies have chosen to make it difficult if not impossible without this route. I would associate myself with the comments of the gentleman from Virginia (Mr. BOUCHER). I think the will of the Congress is being expressed in the vehicle we have chosen.

Bankruptcy reform is long overdue in this country to protect people, women and children, to make sure their obligations owed to them are there. This bankruptcy bill protects those who are in need to make sure their payments come before anybody else gets their payments. The bill seeks to reform a system that has been outdated and needs to be brought up to the 21st century standards to make sure that people avail themselves of bankruptcy protection in a fair way and that the business community gets a fair shake.

So I would just say to my colleagues on the other side who are talking about process, we are here in the last hours of this Congress to do as much good for the American people as we can. This bill was passed 313 to 108 in the House, 83 to 14 in the Senate. The vehicle chosen here was chosen because a few people made us do this.

What we have chosen to do here, Mr. Speaker, is legal and follows the rules of the body, and I would ask all of my colleagues who support bankruptcy reform to come to our aid here in the last hours of the Congress and let us do something good for the American consumer and the American business community.

Mr. NADLER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York has 5 minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me this time, and I would like to engage the subcommittee chairman in a colloquy, if I might.

The previous speaker just mentioned that the House passed the bill 313, or whatever, by a wide margin. The House also adopted language that allowed States to opt out of the cap on the exemption of homestead. This is something that the Federal Government has allowed the States to determine since the founding of the country.

What I would ask the distinguished chairman is whether or not the conference report, which we do not know, have not seen, that someone has written somewhere, overrides the will of

the House that overwhelmingly passed the manager's amendment that included this opt out? Does this conference report override State law and State constitution with respect to homestead?

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

Mr. BENTSEN. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I cannot predict what the final language will be in the conference by reason of the deliberations of the conference that has yet to take place. It is my intent to press for the States' rights on homestead exemption to remain.

Mr. NADLER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, again I urge my colleagues to vote for this motion to instruct and remind them that all it says is that we instruct the conferees that meetings of the conference committee be open to the public and to the media; to be held in rooms selected to maximize the capacity for attendance, that is, in big rooms; and that members of the conference committee be allowed to offer and debate amendments.

Mr. Speaker, I trust that that is a noncontroversial motion to instruct; and if in fact I recall correctly, the chairman of the subcommittee, the gentleman from Pennsylvania, said he agreed with this motion.

Mr. GEKAS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time, and my comments will go to the underlying bill.

Let me just make the observation that we have had three votes on this measure, and it has passed with overwhelming bipartisan support. I think the time for reform really is now.

The fact this bill will stop abusers while protecting those who need it most is important. I think for too many wealthy Americans bankruptcy is becoming the first stop rather than the last resort, and more and more higher-income people are choosing bankruptcy as a financial planning tool, sheltering substantial wealth, while sticking the consumers and responsible borrowers with the tab. That is part of what this is about. They wipe out billions of dollars worth of wealth by doing this. Even one case of bankruptcy fraud or abuse is too many. It takes 33 Americans to pay for one bankruptcy of convenience.

My point is we must restore personal responsibility to our bankruptcy code. We have a trend here that is continuing. Despite economic growth, despite low unemployment, despite rising disposable personal income an exorbitant number of personal bankruptcies are filed every year, many by individuals who have the ability to pay down some or all of their debt. In fact, over the past decade, the number of personal bankruptcies have doubled, and this year more people are projected to declare bankruptcy than will graduate from college.

Now, this reform helps women and children. Under provisions in the bankruptcy reform conference report, child support and alimony take priority, take priority over all other debts, making it now easier for single mothers to collect child support payments from fathers who would rather walk away from their responsibilities by filing for bankruptcy. Fixing the bankruptcy code and strengthening child support and alimony enforcement go hand in hand in reinforcing personal responsibility.

Let me say that the enormous enhancements to support in terms of this collection remedy make this worthy of support. And those words come from the National Districts Attorney's Association in their support for this measure. Bankruptcy reform enjoys strong bipartisan support.

I will just remind my colleagues of the fact that this legislation was agreed to by both Chambers and would help prevent those who can afford to repay some of their debt from pushing it off on to other hard-working Americans. Once again, I remind my colleagues that the House passed this reform by a margin of 313 to 108 here and by a margin of 83 to 14 in the Senate.

The time for reform is now. Let us move the measure.

Mr. GEKAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. NADLER).

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

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 398, nays 1, not voting 33, as follows:

[Roll No. 526]

YEAS—398

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder

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| Spence | Thornberry | Watkins |
| Stabenow | Thune | Watts (OK) |
| Stearns | Thurman | Waxman |
| Stenholm | Tiahrt | Weiner |
| Strickland | Tierney | Weldon (FL) |
| Stump | Toomey | Weldon (PA) |
| Stupak | Towns | Weller |
| Sununu | Traficant | Wexler |
| Sweeney | Turner | Weygand |
| Tancredo | Udall (CO) | Whitfield |
| Tanner | Udall (NM) | Wicker |
| Tauscher | Upton | Wilson |
| Tauzin | Velazquez | Wolf |
| Taylor (MS) | Visclosky | Woolsey |
| Taylor (NC) | Vitter | Wu |
| Terry | Walden | Wynn |
| Thomas | Walsh | Young (AK) |
| Thompson (CA) | Wamp | |
| Thompson (MS) | Waters | |

NAYS—1

Souder

NOT VOTING—33

| | | |
|---|---|---|
| Burr | Frank (MA) | Meehan |
| Campbell | Franks (NJ) | Miller (FL) |
| Clay | Goodlatte | Myrick |
| Clayton | Hayes | Neal |
| Clyburn | Holden | Pastor |
| Coble | Holt | Spratt |
| Danner | Hooley | Stark |
| DeLauro | Klink | Talent |
| Eshoo | McCollum | Watt (NC) |
| Ford | McIntosh | Wise |
| Fossella | McIntyre | Young (FL) |

□ 1820

Mr. SOUDER changed his vote from ''yea'' to ''nay.''

Messrs. COBURN, DOOLEY of California and CONDIT changed their vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. Ose). Without objection, the Chair appoints the following conferees:

Messrs. HYDE, GEKAS, ARMEY, CONYERS and NADLER.

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4035

Mr. EVANS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4035.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## APPOINTMENT OF CONFEREES ON H.R. 2614, CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 1999

Mrs. KELLY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes, with a House amendment to the Senate amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York? The Chair hears none and, without objection, appoints the following conferees: Mr. TALENT, Mr. ARMEY, and Ms. VELAZQUEZ.

There was no objection.

## MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services be discharged from further consideration of the bill (H.R. 5417) to rename the Stewart B. McKinney Homeless Assistance Act as the ''McKinney-Vento Homeless Assistance Act,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5417

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

**SECTION 1. DESIGNATION OF MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.**

Section 1 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 note; Public Law 100–77) is amended by striking subsection (a) and inserting the following new subsection:

''(a) SHORT TITLE.—This Act may be cited as the 'McKinney-Vento Homeless Assistance Act'.''.

**SEC. 2. REFERENCES.**

Any reference in any law, regulation, document, paper, or other record of the United States to the Stewart B. McKinney Homeless Assistance Act shall be deemed to be a reference to the McKinney-Vento Homeless Assistance Act.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. LEACH) is recognized for 1 hour.

Mr. LEACH. Mr. Speaker, I ask unanimous consent to yield 30 minutes to the gentleman from New York (Mr. LAFALCE) for the purpose of controlling the minority's time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

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

Mr. Speaker, changing the title of a major piece of legislation may seem like a small step for Congress to take, but it has symbolic meaning to the congressional family.

Changing the name Stewart B. McKinney Homeless Act to the McKinney-Vento Act implies putting the names of two of our most esteemed colleagues together, two colleagues who have passed away, the one most recently. Like Mr. McKinney, Bruce Vento devoted his life to the problems of the disadvantaged. He symbolized much as a friend, he symbolized much as a colleague, he symbolized much as a constructive legislator.

I think, though, it is important to note that this particular bill was suggested by our good friend the gentleman from New York (Mr. LAFALCE). I certainly strongly supported him and am appreciative that our leadership concurred.

Mr. Speaker, I think at this point I would like to turn to the gentleman from New York (Mr. LAFALCE) to outline the causes and background of this bill and certainly to express my strongest support for his initiative.

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

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

Mr. Speaker, first of all I want to thank the gentleman from Iowa. I remember the very first day that the gentleman from Iowa and I discovered that Bruce Vento had incurred cancer. And we talked and we said that Bruce Vento is a very, very special person and we ought to do something very special for him. This is the least we can do.

I love Bruce Vento. I sat next to him for almost 24 years. There are so many things that I could say about him, but maybe more than anything else, Bruce Vento cared. He was a caring, loving human being. He cared about our poor. He cared about our underprivileged. He cared about equal justice. He cared about preserving the beauty of our natural resources. He cared about the rights of consumers. He cared about the future of our Nation's youth. And it is difficult to say what he cared about most. But very possibly he might have cared most about our homeless. And each of these issues, each of these causes has lost a great friend.

Bruce Vento was a great leader, a tireless champion of the poor and the homeless; and he brought such tremendous compassion, intellect, vision, dedication, persistence, tenacity to the work of writing our Nation's laws. It has also been written that all of this to be genius must be accompanied by good sense. And Bruce Vento had good sense which made him a genius of both a person and a legislator.

The bill before us today, cosponsored by each and every member of the Committee on Banking and Financial Services, both Democrat and Republican and countless other Members of this House, would rename the Stewart B. McKinney Homeless Assistance Act the McKinney-Vento Homeless Assistance Act. It is fitting to Congressman Bruce Vento's tireless commitment to the homeless. We will pass this today. I hope it will become law in this Congress.

For 24 years, Bruce was a tireless champion and advocate on behalf of homeless people. And he wrote many if not every law that brings compassion and comfort to our homeless, to our poor and destitute.

□ 1830

Traces of his tireless commitment can be found on any forgotten street in urban America. His commitment can be found in a shelter where families go for a hot meal. His commitment can be found in a vacant building that has