

the court and shall be modified or terminated if inconsistent with the foreign main proceeding.

"(3) If, after recognition of a foreign nonmain proceeding, another foreign nonmain proceeding is recognized, the court shall grant, modify, or terminate relief for the purpose of facilitating coordination of the proceedings.

"§ 631. Presumption of insolvency based on recognition of a foreign main proceeding

"In the absence of evidence to the contrary, recognition of a foreign main proceeding is for the purpose of commencing a proceeding under section 303, proof that the debtor is generally not paying its debts.

"§ 632. Rule of payment in concurrent proceedings

"Without prejudice to secured claims or rights in rem, a creditor who has received payment with respect to its claim in a foreign proceeding pursuant to a law relating to insolvency may not receive a payment for the same claim in a case under any other chapter of this title regarding the debtor, so long as the payment to other creditors of the same class is proportionately less than the payment the creditor has already received."

(b) CLERICAL AMENDMENT.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 5 the following:

"6. Ancillary and Other Cross-Border Cases ..... 601".

SEC. 602. AMENDMENTS TO OTHER CHAPTERS IN TITLE 11, UNITED STATES CODE.

(a) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: "and this chapter, sections 307, 555 through 557, 559, and 560 apply in a case under chapter 6"; and

(2) by adding at the end the following:

"(j) Chapter 6 applies only in a case under that chapter, except that section 605 applies to trustees and to any other entity authorized by the court, including an examiner, under chapters 7, 11, and 12, to debtors in possession under chapters 11 and 12, and to debtors or trustees under chapters 9 and 13 who are authorized to act under section 605."

(b) DEFINITIONS.—Section 101 of title 11, United States Code, is amended by striking paragraphs (23) and (24) and inserting the following:

"(23) 'foreign proceeding' means a collective judicial or administrative proceeding in a foreign state, including an interim proceeding, pursuant to a law relating to insolvency in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

"(24) 'foreign representative' means a person or body, including a person or body appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of the foreign proceeding;"

(c) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) PROCEDURES.—Section 157(b)(2) of title 28, United States Code, is amended—

(A) in subparagraph (N), by striking "and" at the end;

(B) in subparagraph (O), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(P) recognition of foreign proceedings and other matters under chapter 6 of title 11."

(2) BANKRUPTCY CASES AND PROCEEDINGS.—Section 1334(c)(1) of title 28, United States Code, is amended by striking "Nothing in"

and inserting "Except with respect to a case under chapter 6 of title 11, nothing in".

(3) DUTIES OF TRUSTEES.—Section 586(a)(3) of title 28, United States Code, is amended by inserting "6," after "chapter".

TITLE VII—MISCELLANEOUS

SEC. 701. TECHNICAL AMENDMENTS.

Title 11 of the United States Code is amended—

(1) in section 109(b)(2) by striking "subsection (c) or (d) of";

(2) in section 541(b)(4) by adding "or" at the end; and

(3) in section 552(b)(1) by striking "product" each place it appears and inserting "products".

SEC. 702. APPLICATION OF AMENDMENTS.

Except as otherwise provided in this Act, the amendments made by this this Act shall apply only with respect to cases commenced under title 11 of the United States Code after the date of the enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. CONYERS moved to recommit the bill to the Committee on with instructions to report the bill back to the House forthwith with the following amendment:

Page 6, line 11, insert the following before the 1st semicolon:

"but excludes (1) maintenance for or support of a child of the debtor, received by the debtor, and (2) current alimony, maintenance, or support paid by the debtor for the benefit of a spouse, former spouse, or child of the debtor."

Page 48, after line 13, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 119B. PROTECTION AGAINST REAFFIRMATION AGREEMENTS ADVERSELY AFFECTING CHILD SUPPORT.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

"(i) Notwithstanding any other provision of this title, an agreement of the kind described in subsection (c) shall be void unless the court determines that such agreement will not have an adverse impact on the ability of the debtor to support a dependent of the debtor."

Page 76, line 12, insert "and any debt of a kind described in paragraph (6), (9), or (13) of section 523(a) of this title," before "shall".

Page 76, line 17, strike the close quotation marks and the period at the end.

Page 76, after line 17, insert the following:

"(b)(1) For purposes preserving the priority established in subsection (a), the holder of claim for a debt of a kind described in paragraph (2), (4), or (19) of section 523(a) of this title that is not discharged may not take any action to obtain payment or collection (including engaging in any communication with the debtor or with any person who holds property of the debtor) of such debt if such holder—

"(A) knew or should have known that taking such action, or obtaining payment of such debt, would impair the ability of the debtor to pay a debt that has priority under such subsection; or

"(B) failed to verify immediately before taking such action, by good faith means designed to identify all debts that have priority under such subsection, that the debtor does not then owe any debt that has priority under subsection (a).

"(2) If such holder violates paragraph (1), such holder shall be liable to any person injured by such violation for the sum of \$3000, actual damages, and a reasonable attorney's fee."

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. HANSEN, announced that the nays had it.

Mr. CONYERS demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 153 negative ..... } Nays ..... 270

55.27

[Roll No. 224]

AYES—153

Table listing names of members of the House of Representatives, including Abercrombie, Ackerman, Allen, Baldacci, Barcia, Barrett (WI), Becerra, Bentsen, Bishop, Blumenauer, Bonior, Borski, Brady (PA), Brown (CA), Brown (FL), Brown (OH), Capps, Cardin, Carson, Clay, Clayton, Clyburn, Conyers, Costello, Coyne, Cummings, Davis (IL), DeFazio, DeGette, Delahunt, DeLauro, Dingell, Dixon, Doggett, Doyle, Edwards, Engel, Ensign, Eshoo, Etheridge, Evans, Fattah, Filner, Ford, Frost, Furse, Gejdenson, Gephardt, Green, Gutierrez, Hall (OH), Hastings (FL), Hefner, Hilliard, Hinchey, Hinojosa, Holden, Hooley, Jackson (IL), Jackson-Lee, (TX), Jefferson, Johnson (WI), Johnson, E.B., Kanjorski, Kaptur, Kennedy (MA), Kennelly, Kildee, Kilpatrick, Klink, Kucinich, LaFalce, Lampson, Lantos, Lee, Levin, Lofgren, Lowey, Luther, Maloney (NY), Manton, Markey, Martinez, Mascara, Matsui, McCarthy (MO), McCarthy (NY), McDermott, McGovern, McHale, McIntyre, McKinney, McNulty, Meehan, Meek (FL), Meeks (NY), Millender, McDonald, Miller (CA), Minge, Mink, Moakley, Moran (VA), 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, Sanders, Sandlin, Sawyer, Scott, Serrano, Skaggs, Slaughter, Spratt, Stabenow, Stark, Stokes, Strickland, Stupak, Thompson, Thurman, Tierney, Torres, Towns, Velazquez, Vento, Visclosky, Waters, Watt (NC), Waxman, Wexler, Wise, Woolsey, Yates.

NOES—270

Table listing names of members of the House of Representatives, including Aderholt, Andrews, Archer, Armye, Bachus, Baesler, Baker, Ballenger, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bereuter, Berry, Bilbray, Bilirakis, Blagojevich, Bliley, Blunt, Boehlert, Boehner, Bonilla, Bono, Boswell, Boucher, Boyd, Brady (TX), Bryant, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Campbell, Canady, Cannon, Castle, Chabot, Chambliss, Chenoweth, Christensen, Clement, Coble, Coburn, Collins, Combust, Condit, Cook, Cooksey, Cramer.

Crane Johnson (CT)  
 Crapo Johnson, Sam  
 Cubin Jones  
 Cunningham Kasich  
 Danner Kelly  
 Davis (FL) Kennedy (RI)  
 Davis (VA) Kim  
 Deal Kind (WI)  
 DeLay King (NY)  
 Deutsch Kingston  
 Diaz-Balart Kleczka  
 Dickey Klug  
 Dooley Knollenberg  
 Doolittle Kolbe  
 Dreier LaHood  
 Duncan Latham  
 Dunn LaTourette  
 Ehlers Lazio  
 Ehrlich Leach  
 Emerson Lewis (CA)  
 English Lewis (KY)  
 Everett Linder  
 Ewing Lipinski  
 Fazio Livingston  
 Foley LoBiondo  
 Forbes Lucas  
 Fossella Maloney (CT)  
 Fowler Manullo  
 Fox McCollum  
 Frank (MA) McCrery  
 Franks (NJ) McDade  
 Frelinghuysen McHugh  
 Gallegly McNinnis  
 Ganske McIntosh  
 Gekas McKeon  
 Gibbons Menendez  
 Gilchrist Metcalf  
 Gillmor Mica  
 Gilman Miller (FL)  
 Goode Mollohan  
 Goodlatte Moran (KS)  
 Goodling Morella  
 Gordon Murtha  
 Goss Myrick  
 Graham Nethercutt  
 Granger Neumann  
 Greenwood Ney  
 Gutknecht Northup  
 Hall (TX) Norwood  
 Hamilton Nussle  
 Hansen Oxley  
 Harman Packard  
 Hastings (WA) Pappas  
 Hayworth Parker  
 Hefley Paul  
 Herger Paxon  
 Hill Pease  
 Hilleary Peterson (MN)  
 Hobson Peterson (PA)  
 Hoekstra Petri  
 Horn Pickering  
 Hostettler Pickett  
 Houghton Pitts  
 Hoyer Pombo  
 Hulshof Porter  
 Hunter Portman  
 Hutchinson Pryce (OH)  
 Hyde Quinn  
 Inglis Radanovich  
 Istook Ramstad  
 Jenkins Redmond  
 John Regula

NOT VOTING—10

Berman Fawell Lewis (GA)  
 Cox Gonzalez Schumer  
 Dicks Hastert  
 Farr Largent

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. HANSEN, announced that the yeas had it.

Mr. CONYERS demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 306  
 Nays ..... 118

§55.28 [Roll No. 225]

AYES—306

Aderholt Fossella Mica  
 Andrews Fowler Miller (FL)  
 Archer Fox Minge  
 Arney Frank (MA)  
 Bachus Franks (NJ)  
 Baesler Frelinghuysen  
 Baker Frost  
 Baldacci Gallegly  
 Ballenger Ganske  
 Barcia Gekas  
 Barr Gibbons  
 Barrett (NE) Gilchrist  
 Bartlett Gillmor  
 Barton Gilman  
 Bass Goode  
 Bateman Goodlatte  
 Bentsen Goodling  
 Bereuter Gordon  
 Berry Goss  
 Bilbray Graham  
 Bilirakis Granger  
 Bishop Greenwood  
 Blagojevich Gutknecht  
 Biley Hall (TX)  
 Blumenauer Hamilton  
 Blunt Hansen  
 Boehlert Harman  
 Boehner Hastert  
 Bonilla Hastings (WA)  
 Bono Hayworth  
 Boswell Hefley  
 Boucher Herger  
 Boyd Hill  
 Hilleary Hilleary  
 Bunting Hoekstra  
 Burr Holden  
 Burton Hooley  
 Buyer Horn  
 Callahan Hostettler  
 Calvert Houghton  
 Camp Hoyer  
 Campbell Hulshof  
 Canady Hunter  
 Cannon Hutchinson  
 Capps Hyde  
 Cardin Inglis  
 Castle Istook  
 Chabot Jefferson  
 Chambliss Jenkins  
 Chenoweth John  
 Christensen Johnson (CT)  
 Clement Johnson (WI)  
 Clyburn Johnson, Sam  
 Coble Jones  
 Coburn Kasich  
 Collins Kelly  
 Combust Kennedy (RI)  
 Condit Kennelly  
 Cook Kim  
 Cooksey Kind (WI)  
 Cox King (NY)  
 Crane Kingston  
 Crapo Kleczka  
 Cubin Knollenberg  
 Cummings Kolbe  
 Cunningham LaHood  
 Danner Latham  
 Davis (FL) LaTourette  
 Davis (VA) Lazio  
 Deal Leach  
 DeLay Lewis (CA)  
 Deutsch Lewis (KY)  
 Diaz-Balart Linder  
 Dickey Lipinski  
 Dicks Livingston  
 Doggett LoBiondo  
 Dooley Lucas  
 Doolittle Luther  
 Dreier Maloney (CT)  
 Duncan Manullo  
 Dunn McCarthy (MO)  
 Ehlers McCarthy (NY)  
 Ehrlich McCollum  
 Emerson McCrery  
 English McDade  
 Ensign McHale  
 Etheridge McHugh  
 Everett McNinnis  
 Ewing McIntosh  
 Fawell McIntyre  
 Fazio McKeon  
 Foley Menendez  
 Forbes Metcalf

Thornberry Walsh White  
 Thune Wamp Whitfield  
 Tiahrt Watkins Wicker  
 Towns Watts (OK) Wise  
 Traficant Weldon (FL) Wolf  
 Turner Weldon (PA) Wynn  
 Upton Weller Young (AK)  
 Velazquez Weygand Young (FL)

NOES—118

Abercrombie Hilliard Nadler  
 Ackerman Hinchey Neal  
 Allen Hinojosa Oberstar  
 Barrett (WI) Jackson (IL) Obey  
 Becerra Jackson-Lee Olver  
 Bonior (TX) Johnson, E. B. Ortiz  
 Borski Kanjorski Owens  
 Brady (PA) Kanjorski Pallone  
 Brown (CA) Kaptur Payne  
 Brown (FL) Kennedy (MA) Pelosi  
 Brown (OH) Kildee Poshard  
 Carson Kilpatrick Rahall  
 Clay Klink Rangel  
 Clayton Kucinich Reyes  
 Conyers LaFalce Rodriguez  
 Costello Lampson Roybal-Allard  
 Coyne Lantos Rush  
 Davis (IL) Lee Sabo  
 DeFazio Levin Sanchez  
 DeGette Lofgren Sanders  
 Delahunt Lowey Sawyer  
 DeLauro Maloney (NY) Scott  
 Dingell Manton Serrano  
 Dixon Markey Skaggs  
 Doyle Martinez Slaughter  
 Edwards Mascara Stark  
 Engel Matsui Stokes  
 Eshoo McDermott Stupak  
 Evans McGovern Thompson  
 Fattah McKinney Thurman  
 Filner McNulty Tierney  
 Ford Meehan Torres  
 Furse Meek (FL) Vento  
 Gejdenson Meeks (NY) Visclosky  
 Gephardt Millender Waters  
 Green McDonald Watt (NC)  
 Guterrez Miller (CA) Waxman  
 Hall (OH) Mink Wexler  
 Hastings (FL) Moakley Woolsey  
 Hefner Murtha Yates

NOT VOTING—9

Berman Gonzalez Lewis (GA)  
 Brady (TX) Hobson Redmond  
 Farr Largent Schumer

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

§55.29 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. GEKAS, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make such technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

§55.30 CAMPAIGN SPENDING CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore, Mr. HOBSON, pursuant to House Resolution 442 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the joint resolution (H.J. Res. 119) proposing an amendment to the Constitution of the United States to limit campaign spending.

The SPEAKER pro tempore, Mr. HOBSON, by unanimous consent, designated Mr. HANSEN as Chairman of the Committee of the Whole; and after some time spent therein,