

**SEC. 1126. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.**

Section 156(a) of title 18, United States Code, is amended—

- (1) in the first undesignated paragraph—
  - (A) by inserting “(1) the term” before “bankruptcy”; and
  - (B) by striking the period at the end and inserting “; and”; and
- (2) in the second undesignated paragraph—
  - (A) by inserting “(2) the term” before “document”; and
  - (B) by striking “this title” and inserting “title 11”.

**SEC. 1127. TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.**

(a) **SALE OF PROPERTY OF ESTATE.**—Section 363(d) of title 11, United States Code, is amended—

- (1) by striking “only” and all that follows through the end of the subsection and inserting “only—
  - “(1) in accordance with applicable nonbankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and
  - “(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362 of this title.”.

(b) **CONFIRMATION OF PLAN FOR REORGANIZATION.**—Section 1129(a) of title 11, United States Code, as amended by section 143, is amended by adding at the end the following:

“(15) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.”.

(c) **TRANSFER OF PROPERTY.**—Section 541 of title 11, United States Code, is amended by adding at the end the following:

“(e) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if the debtor had not filed a case under this title.”.

(d) **APPLICABILITY.**—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act, except that the court shall not confirm a plan under chapter 11 of this title without considering whether this section would substantially affect the rights of a party in interest who first acquired rights with respect to the debtor after the date of the petition. The parties who may appear and be heard in a proceeding under this section include the attorney general of the State in which the debtor is incorporated, was formed, or does business.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be deemed to require the court in which a case under chapter 11 is pending to remand or refer any proceeding, issue, or controversy to any other court or to require the approval of any other court for the transfer of property.

**SEC. 1128. PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.**

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(h) **PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.**—A creditor of an account under an open end consumer credit plan may not terminate an account prior to its expiration date solely because the consumer has not incurred finance charges on the account. Nothing in this subsection shall prohibit a creditor from terminating an account for inactivity in 3 or more consecutive months.”.

**SEC. 1129. PROTECTION OF VALID PURCHASE MONEY SECURITY INTERESTS.**

Section 547(c)(3)(B) of title 11, United States Code, is amended by striking “20” and inserting “30”.

**SEC. 1130. TRUSTEES.**

(a) **SUSPENSION AND TERMINATION OF PANEL TRUSTEES AND STANDING TRUSTEES.**—Section 586(d) of title 28, United States Code, is amended—

- (1) by inserting “(1)” after “(d)”; and
- (2) by adding at the end the following:
  - “(2) A trustee whose appointment under subsection (a)(1) or under subsection (b) is terminated or who ceases to be assigned to cases filed under title 11 of the United States Code may obtain judicial review of the final agency decision by commencing an action in the United States district court for the district for which the panel to which the trustee is appointed under subsection (a)(1), or in the United States district court for the district in which the trustee is appointed under subsection (b) resides, after first exhausting all available administrative remedies, which if the trustee so elects, shall also include an administrative hearing on the record. Unless the trustee elects to have an administrative hearing on the record, the trustee shall be deemed to have exhausted all administrative remedies for purposes of this paragraph if the agency fails to make a final agency decision within 90 days after the trustee requests administrative remedies. The Attorney General shall prescribe procedures to implement this paragraph. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based on the administrative record before the agency.”.

(b) **EXPENSES OF STANDING TRUSTEES.**—Section 586(e) of title 28, United States Code, is amended by adding at the end the following:

“(3) After first exhausting all available administrative remedies, an individual appointed under subsection (b) may obtain judicial review of final agency action to deny a claim of actual, necessary expenses under this subsection by commencing an action in the United States district court in the district where the individual resides. The decision of the agency shall be affirmed by the district court unless it is unreasonable or without cause based upon the administrative record before the agency.

“(4) The Attorney General shall prescribe procedures to implement this subsection.”.

**TITLE XII—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS**

**SEC. 1201. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

(a) **EFFECTIVE DATE.**—Except as provided otherwise in this Act, this Act and the amendments made by this Act shall take effect 180 days after the date of the enactment of this Act.

(b) **APPLICATION OF AMENDMENTS.**—The amendments made by this Act shall not apply with respect to cases commenced under title 11 of the United States Code before the effective date of this Act.

And the Senate agree to the same. From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

HENRY HYDE,  
BILL MCCOLLUM,  
GEORGE W. GEKAS,  
BOB GOODLATTE,  
ED BRYANT,  
STEVE CHABOT,  
RICK BOUCHER,

Managers on the Part of the House.

ORRIN G. HATCH,  
CHUCK GRASSLEY,  
JEFF SESSIONS,

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

On motion of Mr. GEKAS, the previous question was ordered on the conference report to its adoption or rejection.

Mr. NADLER moved to recommit the conference report on H.R. 3150 to the committee of conference with instructions for the managers on the part of the House to disagree to section 110 of the conference report and agree to section 210 and section 211 of the Senate amendment; and disagree to section 149 of the conference report and agree to section 315 of the Senate amendment.

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 conference report?

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

Mr. NADLER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 157  
Nays ..... 266

106.7

[Roll No. 505]

YEAS—157

Abercrombie	Hefner	Nadler
Ackerman	Hilliard	Neal
Allen	Hinchey	Oberstar
Andrews	Hinojosa	Obey
Baldacci	Holden	Olver
Barrett (WI)	Jackson (IL)	Ortiz
Becerra	Jackson-Lee	Owens
Blagojevich	(TX)	Pallone
Blumenauer	Jefferson	Pascrell
Bonior	Johnson, E. B.	Pastor
Borski	Kanjorski	Payne
Brady (PA)	Kaptur	Pelosi
Brown (CA)	Kennedy (MA)	Pomeroy
Brown (FL)	Kennedy (RI)	Price (NC)
Brown (OH)	Kildee	Rahall
Campbell	Kilpatrick	Rangel
Capps	Kind (WI)	Reyes
Carson	Klink	Rivers
Clay	Kucinich	Rodriguez
Clayton	LaFalce	Roukema
Clyburn	Lampson	Roybal-Allard
Conyers	Lantos	Rush
Costello	Lee	Sabo
Coyne	Levin	Sanchez
Cummings	Lewis (GA)	Sanders
Davis (IL)	Lipinski	Sandlin
DeFazio	Lofgren	Sawyer
DeGette	Lowe	Schumer
Delahunt	Luther	Scott
DeLauro	Maloney (NY)	Serrano
Dicks	Manton	Skaggs
Dingell	Markey	Slaughter
Dixon	Martinez	Spratt
Doggett	Mascara	Stabenow
Doyle	Matsui	Stark
Edwards	McCarthy (MO)	Stokes
Engel	McCarthy (NY)	Strickland
Eshoo	McDermott	Stupak
Etheridge	McGovern	Thompson
Evans	McHale	Thurman
Farr	McIntyre	Towns
Fattah	McKinney	Traficant
Filner	McNulty	Turner
Ford	Meehan	Velazquez
Fox	Meek (FL)	Vento
Furse	Meeks (NY)	Viscosky
Gejdenson	Menendez	Waters
Gephardt	Millender-	Watt (NC)
Gonzalez	McDonald	Waxman
Green	Miller (CA)	Wexler
Gutierrez	Mink	Woolsey
Hall (OH)	Moakley	Wynn
Hastings (FL)	Murtha	Yates

NAYS—266

Aderholt Ganske Pappas  
 Archer Gekas Parker  
 Armye Gibbons Paul  
 Bachus Gilchrest Paxton  
 Baesler Gillmor Pease  
 Baker Gilman Peterson (MN)  
 Ballenger Goode Peterson (PA)  
 Barcia Goodlatte Petri  
 Barr Gordon Pickering  
 Barrett (NE) Goss Pickett  
 Bartlett Graham Pitts  
 Barton Granger Pombo  
 Bass Greenwood Porter  
 Bateman Gutknecht Portman  
 Bentsen Hall (TX) Quinn  
 Bereuter Hamilton Radanovich  
 Berry Hansen Ramstad  
 Bilbray Harman Redmond  
 Bilirakis Hastert Regula  
 Bishop Hastings (WA) Riggs  
 Bliley Hayworth Riley  
 Blunt Hefley Roemer  
 Boehlert Herger Rogan  
 Boehner Hill Rogers  
 Bonilla Hilleary Rohrabacher  
 Bono Hobson Ros-Lehtinen  
 Boswell Hoekstra Rothman  
 Boucher Hooley Royce  
 Boyd Horn Ryun  
 Brady (TX) Hostettler Salmon  
 Bryant Houghton Sanford  
 Bunning Hoyer Saxton  
 Burr Hulshof Scarborough  
 Buyer Hunter Schaefer, Dan  
 Callahan Hutchinson Schaffer, Bob  
 Calvert Hyde Sensenbrenner  
 Camp Inglis Sessions  
 Canady Istook Shadegg  
 Cannon Jenkins Shaw  
 Cardin Johnson (CT) Shays  
 Castle Johnson (WI) Sherman  
 Chabot Johnson, Sam Shimkus  
 Chambliss Jones Shuster  
 Chenoweth Kasich Siskiy  
 Christensen Kelly Skeen  
 Clement Kim Skelton  
 Coble King (NY) Smith (MI)  
 Coburn Kingston Smith (NJ)  
 Collins Kleczka Smith (OR)  
 Combest Klug Smith (TX)  
 Condit Knollenberg Smith, Adam  
 Cooksey Kolbe Smith, Linda  
 Cox LaHood Snowbarger  
 Cramer Largent Snyder  
 Crane Latham Solomon  
 Crapo LaTourette Souder  
 Cubin Lazio Spence  
 Cunningham Leach Stearns  
 Danner Lewis (CA) Stenholm  
 Davis (FL) Lewis (KY) Stump  
 Davis (VA) Linder Sununu  
 Deal Livingston Talent  
 DeLay LoBiondo Tanner  
 Deutsch Lucas Tauscher  
 Diaz-Balart Maloney (CT) Tauzin  
 Dickey Manzullo Taylor (MS)  
 Dooley McCollum Taylor (NC)  
 Doolittle McCreery Thomas  
 Dreier McHugh Thornberry  
 Duncan McInnis Thune  
 Dunn McIntosh Tiahrt  
 Ehlers McKeon Upton  
 Ehrlich Metcalf Walsh  
 Emerson Mica Wamp  
 English Miller (FL) Watkins  
 Ensign Minge Watts (OK)  
 Everett Mollohan Weldon (FL)  
 Ewing Moran (KS) Weldon (PA)  
 Fawell Moran (VA) Weller  
 Fazio Morella Weygand  
 Foley Myrick White  
 Forbes Nethercutt Whitfield  
 Fossella Neumann Wicker  
 Fowler Ney Wilson  
 Frank (MA) Northup Wise  
 Franks (NJ) Norwood Wolf  
 Frelinghuysen Nussle Young (AK)  
 Frost Oxley Young (FL)  
 Gallegly Packard

NOT VOTING—11

Berman John Pryce (OH)  
 Burton Kennelly Tierney  
 Cook McDade Torres  
 Goodling Poshard

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

The question being put, viva voce, Will the House agree to said conference report?

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

Mr. NADLER demanded a recorded vote on agreeing to said conference report, 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 ..... 300  
 Nays ..... 125

106.8

[Roll No. 506]

AYES—300

Aderholt Duncan Knollenberg  
 Andrews Dunn Kolbe  
 Archer Ehlers LaHood  
 Armye Ehrlich Largent  
 Bachus Emerson Latham  
 Baesler English LaTourette  
 Baker Ensign Lazio  
 Ballenger Etheridge Leach  
 Barcia Everett Lewis (CA)  
 Barr Ewing Lewis (KY)  
 Barrett (NE) Fawell Linder  
 Bartlett Fazio Livingston  
 Barton Foley LoBiondo  
 Bass Forbes Lucas  
 Bateman Fossella Maloney (CT)  
 Bentsen Fowler Maloney (NY)  
 Bereuter Fox Manzullo  
 Berry Frank (MA) Matsui  
 Bilbray Franks (NJ) McCarthy (NY)  
 Bilirakis Frelinghuysen McCollum  
 Bishop Frost McCreery  
 Blagojevich Gallegly McHale  
 Bliley Ganske McHugh  
 Blumenauer Gekas McInnis  
 Blunt Gephardt McIntosh  
 Boehlert Gibbons McIntyre  
 Boehner Gilchrest McKeon  
 Bonilla Gillmor Menendez  
 Bono Gilman Metcalf  
 Boswell Goode Mica  
 Boucher Goodlatte Miller (FL)  
 Boyd Goodling Minge  
 Brady (TX) Gordon Mollohan  
 Bryant Goss Moran (KS)  
 Bunning Graham Moran (VA)  
 Burr Granger Morella  
 Burton Greenwood Myrick  
 Buyer Gutknecht Neal  
 Callahan Hall (TX) Nethercutt  
 Calvert Hamilton Neumann  
 Camp Hansen Ney  
 Campbell Harman Northup  
 Canady Hastert Norwood  
 Cannon Hastings (WA) Nussle  
 Capps Hayworth Oxley  
 Cardin Hefley Packard  
 Castle Herger  
 Chabot Hill  
 Chambliss Hilleary Parker  
 Chenoweth Hobson Pascrell  
 Christensen Hoekstra Pastor  
 Clement Holden Paul  
 Coble Hooley Paxon  
 Coburn Horn Pease  
 Collins Hostettler Peterson (MN)  
 Combest Houghton Peterson (PA)  
 Condit Hoyer Petri  
 Cook Hulshof Pickering  
 Cooksey Hunter Pickett  
 Cox Hutchinson Pitts  
 Cramer Hyde Pombo  
 Crane Inglis Pomeroy  
 Crapo Istook Porter  
 Cubin Jenkins Portman  
 Cunningham Johnson (CT) Price (NC)  
 Danner Johnson (WI) Quinn  
 Davis (FL) Johnson, Sam Radanovich  
 Davis (VA) Jones Ramstad  
 Deal Kasich Redmond  
 DeLay Kelly Regula  
 Deutsch Kennedy (RI) Riggs  
 Diaz-Balart Kim Rivers  
 Dickey Kind (WI) Roemer  
 Dicks King (NY) Rogan  
 Dooley Kingston Rogers  
 Doolittle Kleczka Rohrabacher  
 Dreier Klug Ros-Lehtinen

Rothman Smith (NJ) Thornberry  
 Royce Smith (OR) Thune  
 Ryun Smith (TX) Tiahrt  
 Salmon Smith, Adam Turner  
 Sandlin Smith, Linda Upton  
 Sanford Snowbarger Velazquez  
 Sawyer Snyder Walsh  
 Saxton Solomon Wamp  
 Scarborough Souder Watkins  
 Schaefer, Dan Spence Watts (OK)  
 Schaffer, Bob Spratt Weldon (FL)  
 Sensenbrenner Stearns Weldon (PA)  
 Sessions Stenholm Weller  
 Shadegg Strickland Weygand  
 Shaw Stump White  
 Shays Sununu Whitfield  
 Sherman Talent Wicker  
 Shimkus Tanner Wilson  
 Shuster Tauscher Wise  
 Siskiy Tauzin Wolf  
 Skelton Taylor (MS) Wynn  
 Smith (MI) Taylor (NC) Young (AK)  
 Thomas Thomas Young (FL)

NOES—125

Abercrombie Hefner Murtha  
 Ackerman Hilliard Nadler  
 Allen Hinchey Oberstar  
 Baldacci Hinojosa Obey  
 Barrett (WI) Jackson (IL) Olver  
 Becerra Jackson-Lee Ortiz  
 Bonior (TX) Owens  
 Borski Jefferson Pallone  
 Brady (PA) Johnson, E. B. Payne  
 Brown (CA) Brown (CA) Pelosi  
 Brown (FL) Kaptur Rahall  
 Brown (OH) Kennedy (MA) Rangel  
 Carson Kildee Reyes  
 Clay Kilpatrick Rodriguez  
 Clayton Klink Roukema  
 Clyburn Kucinich Roybal-Allard  
 Conyers LaFalce Rush  
 Costello Lampson Sabo  
 Coyne Lantos Sanchez  
 Cummings Lee Sanders  
 Davis (IL) Levin Schumer  
 DeFazio Lewis (GA) Scott  
 DeGette Lipinski Serrano  
 Delahunt Lofgren Skaggs  
 DeLauro Lowey Slaughtert  
 Dingell Luther Stabenow  
 Dixon Manton Stark  
 Doggett Markey Stokes  
 Doyle Martinez Stupak  
 Edwards Mascara Thompson  
 Engel McCarthy (MO) Thurman  
 Eshoo McDermott Towns  
 Evans McGovern Traficant  
 Farr McKinney Vento  
 Filner McNulty Visclosky  
 Ford Meehan Waters  
 Furse Meek (FL) Watt (NC)  
 Gejdenson Meeks (NY) Waxman  
 Gonzalez Millender Wexler  
 Green McDonald Woolsey  
 Gutierrez Miller (CA) Yates  
 Hall (OH) Mink  
 Hastings (FL) Moakley

NOT VOTING—9

Berman Kennelly Pryce (OH)  
 Fattah McDade Tierney  
 John Poshard Torres

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

106.9 H. RES. 565—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 5, rule I, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 565) expressing the sense of the House of Representatives regarding the importance of mammograms and biopsies in the fight against breast cancer.

The question being put, Will the House suspend the rules and agree to said resolution?