

Etheridge	Lipinski	Rahall
Evans	Lofgren	Rangel
Farr	Lowey	Reyes
Fattah	Lucas (KY)	Rivers
Filner	Luther	Rodriguez
Ford	Maloney (CT)	Roemer
Frank (MA)	Maloney (NY)	Roybal-Allard
Frost	Markey	Rush
Gejdenson	Martinez	Sabo
Gephardt	Mascara	Sanchez
Gonzalez	Matsui	Sanders
Gordon	McCarthy (MO)	Sandlin
Green (TX)	McCarthy (NY)	Sawyer
Gutierrez	McDermott	Scott
Hall (OH)	McGovern	Serrano
Hall (TX)	McIntyre	Sherman
Hastings (FL)	McKinney	Shows
Hill (IN)	McNulty	Sisisky
Hilliard	Meehan	Skelton
Hinchee	Meek (FL)	Smith (WA)
Hinojosa	Meeks (NY)	Snyder
Hoefel	Menendez	Spratt
Holden	Millender-	Stabenow
Holt	McDonald	Stark
Hooley	Miller, George	Stenholm
Hoyer	Minge	Strickland
Inslee	Mink	Stupak
Jackson (IL)	Moakley	Tanner
Jackson-Lee	Moore	Tauscher
(TX)	Murtha	Taylor (MS)
Jefferson	Nadler	Thompson (CA)
Johnson, E. B.	Napolitano	Thompson (MS)
Jones (OH)	Neal	Thurman
Kanjorski	Oberstar	Tierney
Kaptur	Obey	Towns
Kennedy	Oliver	Turner
Kildee	Ortiz	Udall (CO)
Kilpatrick	Owens	Udall (NM)
Kind (WI)	Pallone	Vento
Klink	Pascrell	Visclosky
Kucinich	Pastor	Waters
LaFalce	Payne	Watt (NC)
Lampson	Pelosi	Weiner
Lantos	Peterson (MN)	Wexler
Larson	Phelps	Weygand
Lee	Pickett	Wise
Levin	Pomeroy	Woolsey
Lewis (GA)	Price (NC)	Wu

NOT VOTING—16

Becerra	Istook	Watts (OK)
Berman	Mollohan	Waxman
Bileley	Simpson	Wynn
Brown (CA)	Slaughter	Young (FL)
Carson	Tiahrt	
Davis (FL)	Watkins	

So the previous question on the resolution was ordered.

The question being put, *viva voce*,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. EMERSON, announced that the yeas had it.

So the resolution was agreed to.

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

44.7 PERMISSION TO FILE REPORT

On motion of Mr. GEKAS, by unanimous consent, the Committee on the Judiciary was granted permission until midnight, Friday, May 7, 1999, to file a report on the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes.

44.8 BANKRUPTCY REFORM

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to House Resolution 158 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 833) to amend title 11 of the

United States Code, and for other purposes.

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

44.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HYDE:

Page 8, beginning on line 14, strike “(which)” and all that follows through “104(b)” on line 19.

Beginning on page 8, strike line 23, and all that follows through line 13 on page 9, and insert the following (and make such technical and conforming changes as may be appropriate):

“(i) The debtor’s monthly expenses shall be the debtor’s monthly expenses reasonably necessary to be expended—

“(I) for the maintenance or support of the debtor, the dependents of the debtor, and, in a joint case, the spouse of the debtor if the spouse is not otherwise a dependent; and

“(II) if the debtor is engaged in business, for the payment of expenditures necessary for the continuation, preservation, and operation of such business.

Notwithstanding any other provision of this clause, the debtor’s monthly expenses shall not include any payments for debts described in clauses (iii) and (iv).

Page 14, line 15, add close quotation marks and a period at the end.

Beginning on page 14, strike line 16 and all that follows through line 3 on page 15.

Page 101, after line 9, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 154. GUIDELINES FOR ASSESSING INCOME.

Section 586 of title 28, United States Code, is amended by adding at the end the following:

“(f) Not later than 1 year after the effective date of this subsection, the Director of the Executive Office for United States Trustees shall issue guidelines to assist in making assessments of whether income is not reasonably necessary to be expended by a debtor for the maintenance or support of the debtor, the dependents of the debtor, and, in a joint case, the spouse of the debtor if the spouse is not otherwise a dependent.”.

Page 153, line 23, insert “as amended by section 154,” after “Code.”.

Page 154, line 3, strike “(f)” and insert “(g)”.

Page 154, line 5, strike “(f)(1)(A)” and insert “(g)(1)(A)”.

Page 156, line 22, strike “586(f)” and insert “586(g)”.

Page 157, line 4, strike “586(f)” and insert “586(g)”.

It was decided in the { Yeas 184
negative } Nays 238

44.10 [Roll No. 110]
AYES—184

Abercrombie	Blumenauer	Clay
Ackerman	Boehlert	Clayton
Allen	Bonior	Clement
Bachus	Borski	Clyburn
Baird	Brady (PA)	Conyers
Baldacci	Brown (FL)	Costello
Baldwin	Brown (OH)	Coyne
Barrett (NE)	Camp	Cummings
Barrett (WI)	Capps	Danner
Bentsen	Capuano	Davis (IL)
Berkley	Cardin	DeFazio
Bishop	Carson	DeGette
Blagojevich	Chambliss	Delahunt

DeLauro	Kind (WI)	Pallone
Deutsch	King (NY)	Payne
Diaz-Balart	Kleczka	Pelosi
Dickey	Klink	Phelps
Dicks	Kucinich	Pomeroy
Dingell	LaFalce	Price (NC)
Dixon	LaHood	Rahall
Doggett	Lampson	Rangel
Doyle	Lantos	Reyes
Edwards	Larson	Rodriguez
Engel	LaTourette	Ros-Lehtinen
Eshoo	Leach	Roybal-Allard
Evans	Lee	Rush
Farr	Levin	Sabo
Fattah	Lewis (GA)	Sanchez
Filner	Lipinski	Sanders
Forbes	Lofgren	Sawyer
Ford	Lowey	Schakowsky
Fossella	Maloney (NY)	Scott
Frank (MA)	Manzullo	Serrano
Ganske	Markey	Sherman
Gejdenson	Martinez	Shows
Gilchrest	Mascara	Snyder
Gilman	Matsui	Spratt
Gonzalez	McCarthy (MO)	Stabenow
Green (TX)	McCarthy (NY)	Stark
Gutierrez	McDermott	Strickland
Hall (OH)	McGovern	Stupak
Hastings (FL)	McHugh	Thompson (MS)
Hill (IN)	McIntosh	Thurman
Hilliard	McKinney	Tierney
Hinchee	McNulty	Towns
Hinojosa	Meehan	Trafficant
Hoefel	Meek (FL)	Udall (CO)
Holt	Meeks (NY)	Udall (NM)
Houghton	Miller, George	Vento
Hoyer	Minge	Visclosky
Hyde	Mink	Wamp
Inslee	Moakley	Waters
Jackson (IL)	Morella	Watt (NC)
Jackson-Lee	Murtha	Waxman
(TX)	Nadler	Weiner
Jefferson	Napolitano	Weldon (PA)
Johnson, E. B.	Neal	Wexler
Jones (OH)	Oberstar	Wilson
Kanjorski	Obey	Wise
Kaptur	Oliver	Woolsey
Kildee	Ortiz	Wu
Kilpatrick	Owens	

NOES—238

Aderholt	Cubin	Hoekstra
Andrews	Cunningham	Holden
Archer	Davis (FL)	Hooley
Army	Davis (VA)	Horn
Baker	Deal	Hostettler
Ballenger	DeLay	Hulshof
Barcia	DeMint	Hunter
Barr	Dooley	Hutchinson
Bartlett	Doolittle	Isakson
Barton	Dreier	Istook
Bass	Duncan	Jenkins
Bateman	Dunn	John
Bereuter	Ehlers	Johnson (CT)
Berry	Ehrlich	Johnson, Sam
Biggett	Emerson	Jones (NC)
Bilbray	English	Kasich
Bilirakis	Etheridge	Kelly
Bliley	Everett	Kennedy
Blunt	Ewing	Kingston
Boehner	Fletcher	Knollenberg
Bonilla	Foley	Kolbe
Bono	Fowler	Kuykendall
Boswell	Franks (NJ)	Largent
Boucher	Frelinghuysen	Latham
Boyd	Frost	Lazio
Brady (TX)	Galleghy	Lewis (CA)
Bryant	Gekas	Lewis (KY)
Burr	Gibbons	Linder
Burton	Gillmor	LoBiondo
Buyer	Goode	Lucas (KY)
Callahan	Goodlatte	Lucas (OK)
Calvert	Goodling	Maloney (CT)
Campbell	Gordon	McCollum
Canady	Goss	McCrary
Cannon	Graham	McInnis
Castle	Granger	McIntyre
Chabot	Green (WI)	McKeon
Chenoweth	Greenwood	Menendez
Coble	Gutknecht	Metcalf
Coburn	Hall (TX)	Mica
Collins	Hansen	Miller (FL)
Combest	Hastings (WA)	Miller, Gary
Condit	Hayes	Mollohan
Cook	Hayworth	Moore
Cooksey	Hefley	Moran (KS)
Cox	Herger	Moran (VA)
Cramer	Hill (MT)	Myrick
Crane	Hilleary	Nethercutt
Crowley	Hobson	Ney

Northup	Rothman	Sununu
Norwood	Roukema	Sweeney
Nussle	Royce	Talent
Ose	Ryan (WI)	Tancredo
Oxley	Ryun (KS)	Tanner
Packard	Salmon	Tauscher
Pascrell	Sandlin	Tauzin
Pastor	Sanford	Taylor (MS)
Paul	Saxton	Taylor (NC)
Pease	Scarborough	Terry
Peterson (MN)	Schaffer	Thomas
Peterson (PA)	Sensenbrenner	Thompson (CA)
Petri	Sessions	Thornberry
Pickering	Shadegg	Thune
Pickett	Shaw	Tiahrt
Pitts	Shays	Toomey
Pombo	Sherwood	Turner
Porter	Shimkus	Upton
Portman	Shuster	Velazquez
Pryce (OH)	Sisisky	Walden
Quinn	Skeen	Walsh
Radanovich	Skelton	Watkins
Ramstad	Smith (MI)	Weldon (FL)
Regula	Smith (NJ)	Weller
Reynolds	Smith (TX)	Weygand
Riley	Smith (WA)	Whitfield
Rivers	Souder	Wicker
Roemer	Spence	Wolf
Rogan	Stearns	Young (AK)
Rogers	Stenholm	
Rohrabacher	Stump	

NOT VOTING—11

Becerra	Luther	Slaughter
Berman	Millender-	Watts (OK)
Brown (CA)	McDonald	Wynn
Gephardt	Simpson	Young (FL)

So the amendment was not agreed to.

44.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MORAN of Virginia:

Page 101, after line 9, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 154. DISCLOSURES.

(a) DISCLOSURES.—Subchapter II of chapter 5 of title 11, United States Code, as amended by section 106, is amended by adding at the end the following:

“§ 527. Disclosures

“(a) A debt relief agency providing bankruptcy assistance to an assisted person shall provide the following notices to the assisted person:

“(1) the written notice required under section 342(b)(1) of this title; and

“(2) to the extent not covered in the written notice described in paragraph (1) of this section and no later than three business days after the first date on which a debt relief agency first offers to provide any bankruptcy assistance services to an assisted person, a clear and conspicuous written notice advising assisted persons of the following—

“(A) all information the assisted person is required to provide with a petition and thereafter during a case under this title must be complete, accurate and truthful;

“(B) all assets and all liabilities must be completely and accurately disclosed in the documents filed to commence the case, and the replacement value of each asset as defined in section 506 of this title must be stated in those documents where requested after reasonable inquiry to establish such value;

“(C) current monthly income, the amounts specified in section 707(b)(2) and, in a chapter 13 case, disposable income (determined in accordance with section 707(b)(2)) must be stated after reasonable inquiry; and

“(D) that information an assisted person provides during their case may be audited pursuant to this title and that failure to provide such information may result in dismissal of the proceeding under this title or other sanction including, in some instances, criminal sanctions.

“(b) A debt relief agency providing bankruptcy assistance to an assisted person shall provide each assisted person at the same time as the notices required under subsection (a)(1) with the following statement, to the extent applicable, or one substantially similar. The statement shall be clear and conspicuous and shall be in a single document separate from other documents or notices provided to the assisted person:

“IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER

“If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney. THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST. Ask to see the contract before you hire anyone.

“The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.

“Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief made available by the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a “trustee” and by creditors.

“If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so and a creditor is not permitted to coerce you into reaffirming your debts.

“If you choose to file a chapter 13 case in which you repay your creditors what you can afford over three to five years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.

“If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what needs to be done from someone familiar with that type of relief.

“Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.”

“(c) Except to the extent the debt relief agency provides the required information itself after reasonably diligent inquiry of the assisted person or others so as to obtain such information reasonably accurately for inclusion on the petition, schedules or statement of financial affairs, a debt relief agency providing bankruptcy assistance to an assisted person, to the extent permitted by nonbankruptcy law, shall provide each assisted person at the time required for the notice required under subsection (a)(1) reasonably sufficient information (which shall be provided in a clear and conspicuous writing) to the assisted person on how to provide all the infor-

mation the assisted person is required to provide under this title pursuant to section 521, including—

“(1) how to value assets at replacement value, determine current monthly income, the amounts specified in section 707(b)(2) and, in a chapter 13 case, how to determine disposable income in accordance with section 707(b)(2) and related calculations;

“(2) how to complete the list of creditors, including how to determine what amount is owed and what address for the creditor should be shown; and

“(3) how to determine what property is exempt and how to value exempt property at replacement value as defined in section 506 of this title.

“(d) A debt relief agency shall maintain a copy of the notices required under subsection (a) of this section for two years after the date on which the notice is given the assisted person.”

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by section 106, is amended by inserting after the item relating to section 526 the following:

“527. Disclosures.”

SEC. 155. DEBTOR'S BILL OF RIGHTS.

Subchapter II of chapter 5 of title 11, United States Code, as amended by sections 106 and 154, is amended by adding at the end the following:

“§ 528. Debtor's bill of rights

“(a) A debt relief agency shall—

“(1) no later than five business days after the first date on which a debt relief agency provides any bankruptcy assistance services to an assisted person, but prior to such assisted person's petition under this title being filed, execute a written contract with the assisted person specifying clearly and conspicuously the services the agency will provide the assisted person and the basis on which fees or charges will be made for such services and the terms of payment, and give the assisted person a copy of the fully executed and completed contract in a form the person can keep;

“(2) disclose in any advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public (whether in general media, seminars or specific mailings, telephonic or electronic messages or otherwise) that the services or benefits are with respect to proceedings under this title, clearly and conspicuously using the following statement: ‘We are a debt relief agency. We help people file Bankruptcy petitions to obtain relief under the Bankruptcy Code.’ or a substantially similar statement. An advertisement shall be of bankruptcy assistance services if it describes or offers bankruptcy assistance with a chapter 13 plan, regardless of whether chapter 13 is specifically mentioned, including such statements as ‘federally supervised repayment plan’ or ‘Federal debt restructuring help’ or other similar statements which would lead a reasonable consumer to believe that help with debts was being offered when in fact in most cases the help available is bankruptcy assistance with a chapter 13 plan; and

“(3) if an advertisement directed to the general public indicates that the debt relief agency provides assistance with respect to credit defaults, mortgage foreclosures, lease eviction proceedings, excessive debt, debt collection pressure, or inability to pay any consumer debt, disclose conspicuously in that advertisement that the assistance is with respect to or may involve proceedings under this title, using the following statement: ‘We are a debt relief agency. We help people file Bankruptcy petitions to obtain relief under the Bankruptcy Code.’ or a substantially similar statement.”