

have reimbursement to those who are fighting the fire. I also want to say that our challenge will be dealing with reseeding which, as we face the rains that will hit come this winter, the mudslides can have an even more devastating impact.

Our thoughts and prayers are with those who are on the frontline fighting these fires, and we look forward to a quick resolution.

**WAIVING POINTS OF ORDER
AGAINST CONFERENCE REPORT
ON H.R. 2215, 21ST CENTURY DE-
PARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT**

Mr. DIAZ-BALART. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 552 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 552

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2215) to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks.)

Mr. DIAZ-BALART. Madam Speaker, House Resolution 552 is a standard rule waiving all points of order against the conference report to accompany H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act and against its consideration.

It has been over 20 years since Congress last authorized appropriations for the Department of Justice. This conference report that we are preparing to consider takes the long overdue step of putting our mark on the vital justice programs and funding levels that we have addressed solely through appropriations, since the 96th Congress. This conference report is a product of a careful deliberative bipartisan process. Every member of the conference committee, Republican and Democrat, House and Senate, has signed the conference report.

I believe that all of the conferees, especially the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman, and the gentleman from Michigan (Mr. CONYERS), the ranking member, should be commended for their work.

The conference report establishes fundamental and budgetary administrative authorities that simplify, harmonize, and clarify over 2 decades of statutory authorities. Few times in our national history has it been so important that we update and provide direction to the Department of Justice. The conference report helps the Department of Justice to adjust to the new century and the new challenges facing America. As President Bush has noted, "We are today a Nation at risk to a new and changing threat."

The Department of Justice has played and obviously will continue to play a very important, a pivotal role, in securing our Nation against the possibility of terrorist attacks.

Importantly, the conference report also reasserts congressional oversight of the Department. The administration has gone to extraordinary lengths to secure the Nation, while respecting the free and open society which we are privileged to live in.

Nevertheless, Congress is designed to serve as a check on the actions of the executive branch, to oversee the executive branch, that is obviously as fundamental a role for Congress as is legislating; and this conference report reaffirms our oversight responsibility.

This conference report is not by any means limited to the streamlining and strengthening of the Department of Justice's law enforcement responsibility or congressional oversight of its actions.

The conference report provides 94 additional U.S. Attorneys to work with State and local law enforcement to enforce existing Federal laws, firearms laws, for example, especially in and around schools.

□ 1030

The conference report also provides eight new permanent Federal judgeships in the State of Florida. Also in my State and that of the gentleman from Florida (Mr. HASTINGS), it creates a new temporary Federal District Court judgeship for the Southern District to ease the extraordinary burden on our Federal courts.

The conference report provides an increase in funds for the Boys and Girls Club, which will allow them to increase outreach efforts and increase membership throughout the Nation.

I think it is also worth a commendation that the conference report establishes a permanent, separate, and independent Violence Against Women Office in the Department of Justice. The office will be headed by a director who reports directly to the Attorney General and has final authority over all grants and cooperative agreements and contracts awarded by the office.

The conference report contains important provisions regarding drug abuse prevention and treatment, safeguarding the integrity of the criminal justice system, and providing for the enactment of juvenile justice and delinquency prevention legislation.

Madam Speaker, the conference report before us I believe is an extremely important piece of bipartisan legislation that will serve the Nation in innumerable ways.

The conference report, and I believe the rule, obviously, providing for its consideration, deserve our support. Accordingly, I urge all of my colleagues to support this rule and this very important underlying legislation.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in full support of the conference report for H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act.

As my colleagues know, H.R. 2215 passed the House of Representatives in July, 2001, by a voice vote. I am quite certain that my colleagues will join us today and approve the conference report in an overwhelming way again.

Madam Speaker, while sitting in the Committee on Rules yesterday afternoon, and in reviewing the conference report, I am in true admiration of the bipartisanship that was shown by the committee's chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the ranking member, the gentleman from Michigan (Mr. CONYERS). I applaud the bipartisanship that the two of them showed while working on this report, and thank the conferees for their inclusion of many Democratic amendments.

As the House works on a variety of contentious issues in the coming days, I urge my colleagues to heed the bipartisan lessons of the chairman and ranking Democrat of the Committee on the Judiciary.

Many Members of the House were here this morning and spoke about the words that are being slung around on homeland security, and faulting the other body for delays in that regard. I would remind my colleagues that we have not completed the appropriations process, and all of us need to be about that business.

Madam Speaker, H.R. 2215 authorizes funding to the Department of Justice for the current fiscal year and the following one, which begins next Tuesday. In addition to authorizing dollars to the Department for the salaries of the Federal judges, attorneys, and support staff, the report also authorizes funding for many important programs utilized by millions of Americans every year.

As the gentleman from Florida (Mr. DIAZ-BALART) says, he and I are happy to report that the Southern District of Florida will be the recipient of one of the judges authorized under this legislation.

Additionally, H.R. 2215 serves as a commitment to keeping drugs off of our streets and out of our schools. While much of the Nation focuses on the war on terrorism and a possible

war with Iraq, we cannot and should not forget a war that we have been fighting for more than three decades: the war on drugs.

As we seek to stabilize Afghanistan, we cannot and should not forget that prior to and during Taliban rule, Afghanistan was one of the world's largest producers of poppy, an integral ingredient of heroin. Thus, economic stability in this renewed democracy must provide alternate means of income to Afghans who once depended on poppy sales for a living.

Further, we cannot and should not forget that the war on drugs has no definitive end. The dollars authorized in this bill, albeit limited, serve as Congress' continued commitment to fighting the war on drugs. I do, however, urge the authorizing committee to increase spending for this fight in the coming years. In my lifetime in south Florida I have seen hundreds of lives ruined and ended because of drugs. We cannot allow this trend to continue into the 21st century.

Madam Speaker, in addition to authorizing funding for the war on drugs, this legislation also funds the Immigration and Naturalization Service, an agency that my office works with every day. Nearly 30 percent of everything we do in the Fort Lauderdale office deals with immigration.

While Congress continues to address the obvious shortcomings of this poorly funded, understaffed, and overworked agency, the United States remains a Nation created by immigrants. Those who enter our borders legally and pose no threat to our security should be afforded equal opportunity to excel and prosper. They should enjoy the benefits that those of us born here take for granted.

To many, the United States remains a land where the streets are paved with gold. It is those we let in legally, not those we do not, who will help us extend this street of gold to the rest of the world.

Finally, among many things, the conference report also establishes a national Violence Against Women Office. This is a plan that I and many of the Members have supported for years. Domestic violence remains a disgusting reality in our society, and the establishment of this office is a step in the right direction toward protecting women and punishing those who believe violence is an acceptable practice.

Madam Speaker, the Department of Justice should always be America's voice of justice. Though I do not always agree with its policies today, or its practices, I do agree with its character.

This conference report is a good one, and so is the rule. I urge my colleagues to support both of them.

Additionally, prior to the consideration of the rule, my very good friend, the gentleman from Pennsylvania (Mr. HOLDEN), will make a motion for the previous question. I ask my colleagues to consider his motion, as well.

GENERAL LEAVE

Mr. HASTINGS of Florida. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 552.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Madam Speaker, I am more than pleased to yield such time as he may consume to my good friend, the gentleman from Pennsylvania (Mr. HOLDEN).

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

At the conclusion of this debate, I will seek to defeat the previous question on this rule. If the previous question is defeated, I will then offer an amendment to the rule that will instruct the Enrolling Clerk to add to the conference report language to permanently extend Chapter 12 bankruptcy protections for family farmers.

This is not a proposal that should be considered controversial. In fact, this House has voted overwhelmingly three times in the last 18 months to extend these bankruptcy protections for family farmers.

Chapter 12 was enacted in 1986 as a temporary measure to allow family farmers to repay their debts according to a plan under court supervision. It prevents a situation from occurring where a few bad crop years lead to the loss of the family farm.

In the absence of Chapter 12, farmers are forced to file for bankruptcy relief under the Bankruptcy Code's other alternatives, none of which work quite as well for farmers as Chapter 12.

Chapter 11, for example, will require a farmer to sell the family farm to pay the claims of creditors. How can a farmer be expected to come up with the money to pay off his debts without his farm? Chapter 11 is an expensive process that does not accommodate the special needs of farmers.

Since its creation, Chapter 12, family farmer bankruptcy protection, has been renewed regularly by Congress and has never been controversial. In 1997, the National Bankruptcy Review Commission recommended that Chapter 12 be made permanent.

In this Congress, H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001, includes a provision that permanently extends Chapter 12. Just like previous versions of this bill in previous Congresses, H.R. 333 is a bill plagued with controversy and a bill whose passage is an uncertainty, at best.

For 5 years now, family farmers have been held hostage by the contentious debate surrounding the larger bankruptcy issue. For 5 years, they have been made to sit on pins and needles waiting to see if Congress will extend these protections for another 11 months, 4 months, 8 months, or whatever length of time we feel it will take

us for the next legislative hurdle on the larger bankruptcy issue.

Madam Speaker, family farmers have waited long enough. The games must stop. Right now, family farmers are making plans to borrow money based on next year's expected harvest in order to be able to buy the seeds needed to plant the crops for that harvest. As these farmers leverage themselves, they need to have the assurance that Chapter 12 family farmer bankruptcy protections are going to be there for them on a long-term basis. Sporadic and temporary extensions do not do the job.

Attaching Chapter 12 bankruptcy protections for family farmers to the Department of Justice authorization conference report will give farmers the kind of protections they desperately need, the kind of protections we have already voted three times in the 107th Congress.

On February 21, 2001, we voted 408 to 2 to retroactively extend Chapter 12 for 11 months. On June 6, 2001, we voted 411 to 1 to extend Chapter 12 for an additional 4 months. Most recently, on April 16 of this year, we voted 407 to 3 to extend Chapter 12 for yet an additional 8 months. So Members can see, extending Chapter 12 by no means is a controversial idea.

Madam Speaker, Chapter 12 is scheduled to expire at the end of this year. If we do nothing today, Members of the House will be home in their districts enjoying the holidays with their families while once again family farmers are put at risk. Let us end this cliffhanger once and for all. Let us give family farmers the assurance of permanent protection they deserve and close this chapter for good.

Members should understand that a no vote will not stop the House from considering and approving this conference report, but it will allow us to extend once and for all, and provide the permanent extension of Chapter 12 family farmer bankruptcy protection that farmers so desperately need. However, a yes vote on the previous question will prevent the House from adding this noncontroversial farmer-friendly provision.

I urge all my colleagues to be consistent with their three earlier votes in this Congress and vote no on the previous question.

Madam Speaker, I ask unanimous consent that the text of this amendment be printed in the RECORD immediately before the vote on the previous question.

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

There was no objection.

Mr. DIAZ-BALART. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Madam Speaker, I thank my dear friend, the gentleman from Miami, Florida, for yielding me this time.

Madam Speaker, I rise in strong support of both this rule and the Department of Justice conference report. It has been over two decades, 22 years to be precise, since we have actually had a Department of Justice authorization bill. This has been done through the appropriations process in the past.

I believe that if we look at the issues that the Committee on the Judiciary and others involved in this process have been able to address, I believe that it is a very, very good measure.

We have in Southern California tremendous problems with overburdened courts because of drug cases. I am very pleased that the State of California, and specifically southern California, will be benefiting from five new judgeships for southern California, six overall for the State of California. I believe that that will go a long way towards dealing with the challenge that we have of our overburdened court system in California.

Another issue that has an impact on California that is included in this measure, which is not California-specific, however, is the very balanced approach to the H-1B visa program. We know that as we deal with the challenges of the 21st century economy, Madam Speaker, one of the problems that we have had is the inability to get the best expertise possible for our high-tech sector of the economy, and other sectors, quite frankly.

The fact that we have had a bureaucracy dealing with this has been a challenge, but I am pleased that through legislation that we have been able to get through in the past, we have been able to increase the number of H-1B visas. It was the high-skilled workers who have been able to come in and who filled this need so that the United States of America can remain on the cutting edge technologically.

□ 1045

There has been, as I said, a bureaucratic mess that has existed for some. And so in this conference report we see the inclusion of a 1-year period, a grace period which will allow for those who were holding H1B visas to be here to continue their very important work. And so, Madam Speaker, this is a very good rule, it is a very good conference report, and I urge my colleagues to support it.

Mr. HASTINGS of Florida. Madam Speaker, first I would like to offer an apology to my good friend from Florida (Mr. DIAZ-BALART). I indicated to him that we had but one speaker, but that was before two others showed up.

Madam Speaker, I yield 2½ minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Madam Speaker, as a member of the Committee on the Judiciary and the conference committee that produced the underlying bill, I am very pleased with much of the work reflected there. But I do think there is one enormous omission, and I rise to speak to that today.

I urge my colleagues to defeat the previous question on the rule so that we can take immediate action to protect our Nation's family farmers and family fishermen. The gentleman from Pennsylvania (Mr. HOLDEN), the gentleman from Illinois (Mr. PHELPS), the gentleman from Massachusetts (Mr. DELAHUNT), and I have introduced H.R. 5348 to permanently extend Chapter 12 bankruptcy protection. It is long past time for us to do so.

Madam Speaker, it is increasingly evident that we will not see comprehensive bankruptcy reform this session. As in the last 5 years, it has stalled. Whatever one thinks of the merit of that bill, we have broad agreement of making Chapter 12 farmer and fishermen protection permanent as a good idea and good public policy. By defeating the previous question today, we can consider this important question now.

During this current session of Congress, we have extended Chapter 12 bankruptcy three times, most recently as part of the farm bill. It is now due to expire again at the end of this year. The next 2 weeks may be our final chance to renew it before it expires once again, and we should do that today.

Madam Speaker, it is time to stop using our farmers as pawns in the push for bankruptcy reform. It is time to stop pretending that this important protection has in any way helped win support for the comprehensive bankruptcy reform bill. It is time to protect our family farmers.

A farmer who has a dairy farm in Belleville, Wisconsin, in my district contacted me recently about this issue. He has been farming like his dad before him most of his life. He milks 70 cows to make his living. Milk prices have remained low for most of the time he has been in farming. Now milk prices are again reaching historic lows. He simply cannot stay in business because he is losing money every day. He is scared he is going to lose his farm to his creditors and let his whole family down.

Madam Speaker, let us amend this rule right now so we can take up my bill, H.R. 5348, and give all our family farmers and our family fishermen another chance to reorganize their debts and keep their farms or fishing operations in their families. I urge my colleagues to defeat the previous question and support this rule.

Mr. DIAZ-BALART. Madam Speaker, I yield 3 minutes to my good friend, the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise today in support of this rule and adoption of the conference report on H.R. 2215, the Department of Justice Appropriations Authorization Act. I am elated to report that after more than 6 years of working on legislation to reauthorize the Juvenile Justice and Delinquency

Prevention Act, we finally have a real opportunity for reauthorization of the act to become a reality.

This conference report includes the language embodied in H.R. 1900, my legislation, which overwhelmingly passed the House 1 year ago on September 20 of last year.

The Office of Juvenile Justice and Delinquency Prevention was created by Congress in 1974 to help communities and States prevent and control delinquency and to improve their juvenile justice systems. This office has not been reauthorized since 1994, although a similar bill has passed the Congress by overwhelming margins twice since then.

The nature and extent of juvenile delinquency has changed considerably since the office was created, and this reauthorization has taken that into account. It is an extraordinarily difficult task to create a juvenile justice system in each of the States and each of the counties that can respond to the very, very different young people in our society who get caught up in the law. But I believe that this bipartisan bill represents good policy.

The bill successfully strikes a balance in dealing with children who grow up and come before the juvenile justice system who are already very vicious and dangerous criminals, and other children who come before the juvenile justice system who are harmless and scared and running away from abuse at home.

The legislation is designed to assist States and local communities to develop strategies to combat juvenile crime through a wide range of prevention and intervention programs. We acknowledge that most successful solutions to juvenile crime are developed at the State and local level of government by those individuals who understand the unique characteristics of youth in their area. By combining the current discretionary programs into prevention block grants to the States and allowing States and local communities discretion in how such funds are used, we allow the local officials to use their own good judgment based on the realities of each situation. We have found a way to provide the additional flexibility that our local officials need, still protect society from dangerous teenagers, while protecting scared kids from overly harsh treatment in our juvenile justice system.

Madam Speaker, I want to thank the gentleman from Virginia (Mr. SCOTT) for joining me in this effort. This is virtually the same legislation that the gentleman and I successfully negotiated on a bipartisan basis last Congress.

Madam Speaker, I also want to thank the chairman of the Committee on Education and the Workforce, the gentleman from Ohio (Mr. BOEHNER); and the ranking member, the gentleman from California (Mr. GEORGE MILLER); the chairman of the Subcommittee on Select Education of the Committee on

Education and the Workforce, the gentleman from Michigan (Mr. HOEKSTRA); and the ranking member, the gentleman from Indiana (Mr. ROEMER), for their valued assistance in guiding the legislation through committee. Finally, a special thank you to the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the ranking member, the gentleman from Michigan (Mr. CONYERS), for their willingness to work with us to include this bill in the H.R. 2215 conference report.

Madam Speaker, I also want to thank my legislative director, Judy Borger, who has lived this thing for many, many years and who has done yeoman's work for both committees. I urge all my colleagues to join me in supporting the rule.

Mr. HASTINGS of Florida. Madam Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), my good friend.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I want to thank the distinguished gentleman from Florida (Mr. HASTINGS) for his leadership, but as well his yielding me time. I rise to acknowledge the very hard work that was done on this legislation and to suggest that we have made strides. Particularly, let me note that as the ranking member on the Subcommittee on Immigration, Border Security, and Claims of the Committee on the Judiciary, I think the fact that we have kept the H-1B's responsive, those visas, in light of September 11 when many people will equate immigration issues to terrorism, that is not the case. And I think it is important that we allow talented individuals to be able to come into this country and share their talents. And certainly we want to make sure that Americans have the same access to technology and computer knowledge and software knowledge, but it is important to have this talent. So I applaud the legislation, therefore the rule, of this particular initiative because that is in it.

Likewise, let me acknowledge, as my colleague from Pennsylvania (Mr. GREENWOOD) just noted, the consequences for juvenile offenders, a bill that I was very happy to support, that was worked on and co-sponsored by the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT), came through the Subcommittee on Crime, Terrorism and Homeland Security of the Committee on the Judiciary. And might I say that this is an important statement for our young people, that our young people are not throw-aways, that they can be rehabilitated. And many people will tell you they are our future. I tell you that juveniles, young people today, those young people in middle schools and high schools around America are our today. And it is important to realize that if we incar-

cerate and lock up a youngster in their teenage years, we are only perpetrating their ways of violence and ill acts. And it is very important that we have these rehabilitative measures, we intervene and it is a very important point.

I would like to acknowledge, as well, the importance of violence against women's office. We stabilized it, if you will, allowed it to be free-standing, and supported it by funding; and I believe that is extremely important.

But I believe, Madam Speaker, that we have some concerns, some more work that could have been done and that is my dilemma today as we come forward. We could have passed 245i that again reinforces family reunification with those who are in this country or seeking to reunite their families who happen to be immigrants. Just this past week I faced a very troubling situation in my own district where nine members of a Palestinian family were about to be deported and not looking at the humanitarian grounds of them having come to this country from a tumultuous region seeking asylum and yet not being able to do so. We were able to provide some remedy for them, and they had a 9-year-old citizen, their daughter who was born in this country; but because she was not of the age of majority, she could not petition for their relief. So we have these problems. We did not do anything in this legislation on that.

We did not fix 1996 immigration laws to keep families together so we do not have these large numbers of individuals being deported to places they have never lived. I believe we should have looked at trying to fix that. And the same thing with the comprehensive immigration bill that I and the gentleman from Michigan (Mr. CONYERS) have authored. It fixes the immigration system in its totality. It recognizes that we must be safe but at the same it fixes some of the major loopholes that we have in our immigration system.

I believe, Madam Speaker, as well we have not done ourselves proud by not including the hate crimes legislation that has 206 sponsors so that we would have to result to a discharge petition to try to get that on the floor of the House. How much more do Members have to say when 206 Members believe that we should get rid of hate crimes and have laws against it, legislation authored by the gentleman from Michigan (Mr. CONYERS); and yet we cannot get that to the floor of the House. This should have been included in this legislation.

I am glad to see that we did not codify the TIPS program, neighbors spying on neighbors. Yes, we believe in the security of this Nation, but I also believe Americans believe in civil liberties. I am glad that that is not in this legislation.

Let me conclude, Madam Speaker, on this point, and that is the civil rights office that I believe certainly there are good intentions there but there are

issues of police brutality around this Nation. In fact, in my own district we have some incidents of a Hispanic being shot in the back and the medical examiner declared it was a homicide and no action was taken against any of those involved in this case. Another African American shot in the back, unarmed and no action taken against law enforcement.

I am a supporter of law enforcement, but I am supportive of law. And I believe the civil rights division should be invigorated with funding and they should be utilized for what they are utilized for regardless of whether it is a Republican or Democratic administration.

School desegregation orders. I represent a district that is now trying to get rid of their school desegregation order, and they still have the same violations. The Justice Department should not be engaged in being on the side of a school district that is fighting to get rid of their desegregation order when they are still failing our children.

These problems should be addressed in this legislation and more funding should be given to the civil rights division in order to fix these problems. I believe this is a good piece of legislation, but we could have done more.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in closing I will invite the Members' attention to the matter discussed earlier by the gentleman from Pennsylvania (Mr. HOLDEN). Defeating the previous question as proposed by the gentleman will allow us to permanently extend Chapter 12 protection for farmers. The House has already voted on three separate occasions in this Congress to extend these bankruptcy protections for farmers. Sporadic and temporary extensions leave farmers uncertain of their future. Even as they face record drought, and the gentleman from Montana (Mr. REHBERG) from the other side and I have a drought bill that a substantial number of Members have joined on that we consider critical for our Nation's farmers, and when they experience poor harvest in many regions of the country.

In the absence of Chapter 12, farmers are forced to file bankruptcy under much less favorable terms. Permanent extension as proposed by the gentleman from Pennsylvania (Mr. HOLDEN) will ease these pressures. I ask our membership to defeat the previous question.

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

□ 1100

Mr. DIAZ-BALART. Madam Speaker, I want to reiterate my support, strong support for this rule and the underlying legislation. It is very important underlying legislation. It has been over 20 years since we have in effect authorized the needed expenditures of the Department of Justice, and so I urge,

again, support for the rule and the underlying measure.

Mr. PHELPS. Mr. Speaker, I rise today to move to defeat the previous question on H.R. 2215—Department of Justice Authorization Conference Report. I am very disappointed that the permanent extension of Chapter 12 of the Federal Bankruptcy Code was not included in this legislation.

Mr. Speaker, Chapter 12 of the Federal Bankruptcy Code gives farmers much needed bankruptcy protections. This is an issue I have been working on for some time now and was disappointed to see it was not included in this conference report. On April 10th, I offered a motion to Instruct Conferees on the Farm Bill which asked conferees to accept language in the Senate Bill that would make Chapter 12 of the Bankruptcy Code permanent. My motion passed overwhelmingly, but was not included in the final version of the bill.

H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001 includes a permanent extension of Chapter 12, but like its predecessor in previous Congresses, H.R. 333 is a bill whose passage is uncertain. Since 1997, farmers have been told to wait for the Bankruptcy Reform Act to pass and they would be protected forever. For five years, farmers have been waiting for this to happen. Farmers have waited too long and need protection now.

Including a permanent extension of Chapter 12 in the DOJ Authorization Conference Report would have given farmers the kind of family farmer bankruptcy protections, on a permanent basis, that we have already voted for three times this Congress. As farmers harvest their crops for this year, they will soon have to borrow against next year's harvest to plant next year's crops. They need to know that the legal protections Congress enacted in 1986 will be there for them if something goes wrong. Unfortunately, they have seen Congress let Chapter 12 lapse several times in the last five years and, despite repeated promises, no permanent relief is in sight. The inability to plan and know that if the worst happens they can save their family farm . . . especially in these uncertain times . . . is devastating.

I do not think that there is any controversy whatsoever that Chapter 12 works well, that it protects our family farmers who are in distress, that it properly balances the legitimate needs of financially troubled farmers and their creditors, and that it preserves the family farm.

The material previously referred to by Mr. HOLDEN is as follows:

PREVIOUS QUESTION FOR H. RES. 552, H.R. 2215, 21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

At the end of the resolution, add the following:

“SEC. 2. Upon adoption of this resolution, the House shall be considered to have adopted a concurrent resolution (H. Con. Res. 488) directing the Clerk of the House to correct the enrollment of H.R. 2215.”

At an appropriate place insert the following (and make such technical and conforming changes as may be appropriate):

SEC. ____ . FAMILY FARMERS AND FAMILY FISHERMEN PROTECTION ACT OF 2002.

(a) **SHORT TITLE.**—This section may be cited as the “Family Farmers and Family Fishermen Protection Act of 2002”.

(b) **PERMANENT REENACTMENT OF CHAPTER 12.**

(1) **REENACTMENT.**—

(A) **IN GENERAL.**—Chapter 12 of title 11, United States Code, as reenacted by section

149 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), is hereby reenacted, and as here reenacted is amended by this section.

(B) **EFFECTIVE DATE.**—Subsection (a) shall take effect on the date of the enactment of this Act.

(2) **CONFORMING AMENDMENT.**—Section 302 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

(c) **DEBT LIMIT INCREASE.**—Section 104(b) of title 11, United States Code, is amended by inserting “101(18),” after “sections” each place it appears.

(d) **CERTAIN CLAIMS OWED TO GOVERNMENTAL UNITS.**—

(1) **CONTENTS OF PLAN.**—Section 1222(a)(2) of title 11, United States Code, is amended to read as follows:

“(2) provide for the full payment, in deferred cash payments, of all claims entitled to priority under section 507, unless—

“(A) the claim is a claim owed to a governmental unit that arises as a result of the sale, transfer, exchange, or other disposition of any farm asset used in the debtor's farming operation, in which case the claim shall be treated as an unsecured claim that is not entitled to priority under section 507, but the debt shall be treated in such manner only if the debtor receives a discharge; or

“(B) the holder of a particular claim agrees to a different treatment of that claim;”.

(2) **SPECIAL NOTICE PROVISIONS.**—Section 1231(b) of title 11, United States Code, as so designated by this section is amended by striking “a State or local governmental unit” and inserting “any governmental unit”.

(e) **DEFINITION OF FAMILY FARMER.**—Section 101(18) of title 11, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking “\$1,500,000” and inserting “\$3,237,000”; and

(B) by striking “80” and inserting “50”; and

(2) in subparagraph (B)(ii)—

(A) by striking “\$1,500,000” and inserting “\$3,237,000”; and

(B) by striking “80” and inserting “50”.

(f) **ELIMINATION OF REQUIREMENT THAT FAMILY FARMER AND SPOUSE RECEIVE OVER 50 PERCENT OF INCOME FROM FARMING OPERATION IN YEAR PRIOR TO BANKRUPTCY.**—Section 101(18)(A) of title 11, United States Code, is amended by striking “for the taxable year preceding the taxable year” and inserting the following:

“for—

“(i) the taxable year preceding; or

“(ii) each of the 2d and 3d taxable years preceding;

the taxable year”.

(g) **PROHIBITION OF RETROACTIVE ASSESSMENT OF DISPOSABLE INCOME.**

(1) **CONFIRMATION OF PLAN.**—Section 1225(b)(1) of title 11, United States Code, is amended—

(A) in subparagraph (A) by striking “or” at the end;

(B) in subparagraph (B) by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(C) the value of the property to be distributed under the plan in the 3-year period, or such longer period as the court may approve under section 1222(c), beginning on the date that the first distribution is due under the plan is not less than the debtor's projected disposable income for such period.”.

(2) **MODIFICATION OF PLAN.**—Section 1229 of title 11, United States Code, is amended by adding at the end the following:

“(d) A plan may not be modified under this section—

“(1) to increase the amount of any payment due before the plan as modified becomes the plan;

“(2) by anyone except the debtor, based on an increase in the debtor's disposable income, to increase the amount of payments to unsecured creditors required for a particular month so that the aggregate of such payments exceeds the debtor's disposable income for such month; or

“(3) in the last year of the plan by anyone except the debtor, to require payments that would leave the debtor with insufficient funds to carry on the farming operation after the plan is completed.”.

(h) **FAMILY FISHERMEN.**—

(1) **DEFINITIONS.**—Section 101 of title 11, United States Code, is amended—

(A) by inserting after paragraph (7) the following:

“(7A) ‘commercial fishing operation’ means—

“(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products of such species; or

“(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A);

“(7B) ‘commercial fishing vessel’ means a vessel used by a family fisherman to carry out a commercial fishing operation;”;

(B) by inserting after paragraph (19) the following:

“(19A) ‘family fisherman’ means—

“(A) an individual or individual and spouse engaged in a commercial fishing operation—

“(i) whose aggregate debts do not exceed \$1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

“(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

“(B) a corporation or partnership—

“(i) in which more than 50 percent of the outstanding stock or equity is held by—

“(I) 1 family that conducts the commercial fishing operation; or

“(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

“(ii) (I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

“(II) its aggregate debts do not exceed \$1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

“(III) if such corporation issues stock, such stock is not publicly traded;

“(19B) ‘family fisherman with regular annual income’ means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman

to make payments under a plan under chapter 12 of this title.”.

(2) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting “or family fisherman” after “family farmer”.

(3) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(A) in the chapter heading, by inserting “**OR FISHERMAN**” after “**FAMILY FARMER**”;

(B) in section 1203, by inserting “or commercial fishing operation” after “farm”; and

(C) in section 1206, by striking “if the property is farmland or farm equipment” and inserting “if the property is farmland, farm equipment, or property used to carry out a commercial fishing operation (including a commercial fishing vessel)”.

(4) CLERICAL AMENDMENT.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

“12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income 1201”.

(e) APPLICABILITY.—Nothing in this subsection shall change, affect, or amend the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.).

(i) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall not apply with respect to cases commenced under title 11 of the United States Code before such date.

Mr. DIAZ-BALART. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. HOLDEN. 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.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution and then on the Speaker's approval of the Journal and on the motion to instruct conferees offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The vote was taken by electronic device, and there were—yeas 208, nays 199, not voting 25, as follows:

[Roll No. 416]

YEAS—208

Aderholt	Bonilla	Castle
Akin	Bono	Chabot
Army	Boozman	Chambliss
Baker	Brady (TX)	Coble
Ballenger	Brown (SC)	Collins
Barr	Bryant	Combest
Bartlett	Burr	Cooksey
Barton	Burton	Cox
Bass	Buyer	Crane
Biggert	Calvert	Crenshaw
Bilirakis	Camp	Cubin
Blunt	Cannon	Culberson
Boehler	Cantor	Cunningham
Boehner	Capito	Davis, Jo Ann

Davis, Tom	Johnson, Sam
Deal	Keller
DeLay	Kelly
DeMint	Kennedy (MN)
Diaz-Balart	Kerns
Doolittle	King (NY)
Dreier	Kingston
Duncan	Kirk
Dunn	Knollenberg
Ehlers	Kolbe
Ehrlich	LaHood
Emerson	Latham
Everett	LaTourette
Ferguson	Leach
Flake	Lewis (CA)
Fletcher	Lewis (KY)
Foley	Linder
Forbes	LoBiondo
Frelinghuysen	Lucas (OK)
Gallegly	Manzullo
Ganske	McCrery
Gekas	McHugh
Gibbons	McInnis
Gilchrest	McKeon
Gillmor	Mica
Gilman	Miller, Dan
Goode	Miller, Gary
Goodlatte	Miller, Jeff
Goss	Moran (KS)
Graham	Morella
Granger	Myrick
Graves	Nethercutt
Green (WI)	Ney
Greenwood	Northup
Grucci	Norwood
Gutknecht	Nussle
Hansen	Osborne
Hart	Ose
Hayes	Otter
Hayworth	Oxley
Hefley	Paul
Hergert	Pence
Hilleary	Peterson (PA)
Hobson	Petri
Hoekstra	Pickering
Horn	Pitts
Hostettler	Platts
Houghton	Pombo
Hunter	Portman
Hyde	Pryce (OH)
Isakson	Putnam
Issa	Quinn
Istook	Radanovich
Jenkins	Ramstad
Johnson (CT)	Regula
Johnson (IL)	Rehberg

NAYS—199

Abercrombie	Davis (IL)	Israel
Ackerman	DeFazio	Jackson (IL)
Allen	DeGette	Jackson-Lee
Andrews	Delahunt	(TX)
Baca	DeLauro	Jefferson
Baird	Deutsch	Johnson, E. B.
Baldacci	Dicks	Jones (OH)
Baldwin	Dingell	Kanjorski
Barrett	Doggett	Kaptur
Becerra	Dooley	Kildee
Bentsen	Doyle	Kilpatrick
Bereuter	Edwards	Kind (WI)
Berkley	Engel	Klecza
Berman	Eshoo	Kucinich
Berry	Etheridge	LaFalce
Bishop	Evans	Lampson
Blagojevich	Farr	Langevin
Blumenauer	Fattah	Lantos
Borski	Filner	Larsen (WA)
Boswell	Ford	Larson (CT)
Boucher	Frank	Lee
Boyd	Frost	Levin
Brady (PA)	Gephardt	Lewis (GA)
Brown (FL)	Gonzalez	Lipinski
Brown (OH)	Gordon	Lofgren
Capps	Green (TX)	Lowe
Cardin	Gutierrez	Lucas (KY)
Carson (IN)	Hall (TX)	Luther
Carson (OK)	Harman	Lynch
Clayton	Hastings (FL)	Maloney (CT)
Clement	Hill	Markey
Clyburn	Hilliard	Mascara
Condit	Hinchey	Matheson
Conyers	Hinojosa	Matsui
Costello	Hoeffel	McCarthy (MO)
Coyne	Holden	McCarthy (NY)
Cramer	Holt	McCollum
Crowley	Honda	McGovern
Cummings	Hooley	McIntyre
Davis (CA)	Hoyer	McKinney
Davis (FL)	Inslee	McNulty

Meehan	Pomeroy	Snyder
Meek (FL)	Price (NC)	Solis
Meeks (NY)	Rahall	Spratt
Menendez	Rangel	Stark
Millender-McDonald	Reyes	Stenholm
Miller, George	Rivers	Strickland
Mollohan	Rodriguez	Stupak
Moore	Roemer	Tanner
Moran (VA)	Ross	Tauscher
Murtha	Rothman	Taylor (MS)
Nadler	Roybal-Allard	Thompson (MS)
Napolitano	Rush	Thune
Neal	Sabo	Tierney
Oberstar	Sanchez	Towns
Obey	Sanders	Turner
Oliver	Sandlin	Udall (CO)
Ortiz	Sawyer	Udall (NM)
Owens	Schakowsky	Velazquez
Pallone	Schiff	Visclosky
Pascarell	Scott	Waters
Pastor	Serrano	Watson (CA)
Payne	Sherman	Watt (NC)
Pelosi	Shows	Waxman
Peterson (MN)	Skelton	Weiner
Phelps	Slaughter	Wexler
	Smith (WA)	Woolsey

NOT VOTING—25

Bachus	Hulshof	Smith (MI)
Barcia	John	Stump
Bonior	Jones (NC)	Thompson (CA)
Callahan	Kennedy (RI)	Thurman
Capuano	Maloney (NY)	Whitfield
Clay	McDermott	Wu
English	Mink	Wynn
Fossella	Roukema	
Hastings (WA)	Schaffer	

□ 1126

Messrs. CRAMER, REYES, BARRETT of Wisconsin, TAYLOR of Mississippi, ACKERMAN, BEREUTER, Ms. WOOLSEY, and Ms. ESHOO changed their vote from “yea” to “nay.”

Mr. ISSA and Mr. BILIRAKIS changed their vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

RECORDED VOTE

Mr. McNULTY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 346, noes 58, not voting 28, as follows:

[Roll No. 417]

AYES—346

Abercrombie	Baca	Bartlett
Ackerman	Baker	Barton
Akin	Baldacci	Bass
Allen	Ballenger	Becerra
Andrews	Barr	Bentsen
Army	Barrett	Bereuter