

There is a lot of cynicism in regards to our political system today, and a lot of times that is because the only thing people back home see is the partisan clashes and the heated debates that we have. I feel it is part of our obligation to go home and report to people who do not see what we get to see how well our government functions and the fact that we have thousands of employees, in the Federal agencies, in our offices, in this House who wake up every morning with the sole goal of trying to improve this great country of ours. You do it with honor, you do it with integrity, and you do it with a lot of style and a lot of class. That is why I, after my third term, am even more hopeful and optimistic about this great government of ours, because of people like you.

I just have one request before you do leave, and that is to make sure that you download all the information that is in your brain and make sure it is all written so that we do not have to re-create the wheel. I will never forget the story you told me that after one of the late tally votes, which is seldom held around here anymore, someone asked you where the written procedure is for the tally vote, and you looked at them with a blank expression and said, "There is no written procedure. It's right here." Everyone was shocked and horrified that you were going to go home that night being the only one with the knowledge on how to do this type of work. So you sat down before you went home and actually wrote out what the procedure is like.

Again, we thank you for your great service. I personally thank you for all the conversations and the advice that you have given me. We wish you and Barbara and the two boys all the best in your retirement. Thank you very much.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, a very loyal and distinguished member of the House staff is retiring after 33 years. I personally owe much to him for helping me preserve my longtime voting record. More than once he has advised the Speaker that I had not yet arrived. I am grateful to him for that. Terry's service has spanned five Democratic Speakers and two Republican Speakers of the House. Many people can spend 33 years here and never have to vote on the awesome question of war or impeachment. He has experienced both of those awesome questions here in his responsibility.

Terry and his wife, Barbara, have two sons: Tim, a senior at Mary Washington College in Fredericksburg, Virginia, and Christopher, a sophomore at Bishop O'Connell High School in Arlington, Virginia.

Terry will be greatly missed. He is a friend of this House. He is a personal friend of mine. I am a better person because of Terry Morris.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Terry, as a fellow Madisonian and a fellow Wisconsinite, you have made us very proud. Terry reminds me of what is great about the people of Wisconsin. We are actively involved in our democracy and government, and we have an outstanding work ethic. Wisconsinites understand what it means to serve their country; and Terry Morris has done so impeccably, in both his capacity as assistant tally clerk and as chief tally clerk. He has been a good friend to me in our frequent reminiscences about Wisconsin and Madison. I will miss you very much. Terry, thank you so very much for your service to this House and this Nation. You make Wisconsin proud. You make all of us proud. Best wishes in your retirement.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Terry, your service has been recalled and set before us. All of us appreciate your service, that is clear. I think you are emblematic of the fine service that is given by those of you who do not get to speak on this floor, those of you whose names do not scroll across the screen, those of you who work anonymously but so effectively on behalf of the American public. Terry, I wanted to add my thanks and the thanks of all the Members of this side of the aisle, along with TOM on behalf of all the Members on that side of the aisle, because you work not in a partisan sense but you work for this institution to ensure that the people's House functions as the people would like. As TOM DAVIS said, we will miss you. You have served your country well. God bless you.

CONFERENCE REPORT ON H.R. 333, BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2002

Mr. GEKAS. Mr. Speaker, I call up the conference report to accompany the bill (H.R. 333) to amend title 11, United States Code, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8, subsection C of rule XXII, the conference report is considered read.

POINT OF ORDER

Mr. BLUNT. Mr. Speaker, I make a point of order under clause 9 of rule XXII that the conference report includes matter outside the scope of the differences between the two Houses that were committed to the conference committee for resolution. I specifically cite section 331 of the conference report which is described in the joint explanatory statement of the managers as having no counterpart in either the House bill or the Senate amendment.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. FRANK. Mr. Speaker, I wish to be heard on the point of order.

Mr. Speaker, I gather that this point of order is being lodged by the leadership of the House against the very bill that the leadership of the House was trying to persuade Members to vote for a couple of hours ago. So my concern is, how did a bill that was perfectly in order at about 8 o'clock fall out of order?

□ 0100

And I am concerned that we have a situation in which the leadership of this House apparently consciously brought forward a bill that they knew to be violative of the rules of the House, sought to pass it, and when not enough arms could be twisted, they now have become late converts to the rules.

PARLIAMENTARY INQUIRY

Mr. FRANK. So, Mr. Speaker, I do have a parliamentary inquiry. I am sorry the gentlemen do not want to hear this flip-flop, but I did not bring it up. I have a parliamentary inquiry. Mr. Speaker, which I believe is regular order. You might want to explain to a few of them over there. I understand on that side knowledge and commitment to the rules is a sometime thing, but a parliamentary inquiry is in order.

Is this bill against which the point of order has been lodged exactly the same bill that the leadership was trying to get people to vote for a few hours ago?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman has not raised a parliamentary inquiry.

Mr. FRANK. The parliamentary inquiry is, is this the same piece of legislation on which we voted a couple of hours ago? I think a parliamentary inquiry is relevant when we ask about what is in fact before the House. I have not had a chance to read it. Is this the same bill that the House was voting on a few hours ago?

The SPEAKER pro tempore. The conference report called up by the gentleman from Pennsylvania (Mr. GEKAS) that is the object of the pending point of order was earlier the object of House Resolution 606, which the House rejected. The gentleman from Pennsylvania (Mr. GEKAS) may make a motion after the Chair rules. He has not made that and it is not pending before the House now.

Mr. FRANK. Pardon me, Mr. Speaker, but the gentleman from Missouri (Mr. BLUNT) has made a point of order against something. I guess that is the question. The parliamentary inquiry is against what it is that the gentleman from Missouri has lodged a point of order? You said does anyone want to be heard on the point of order. He made a point of order. Against what vehicle did he make a point of order, then?

The SPEAKER pro tempore. The point of order is against the conference report against which no points of order have been waived.

Mr. FRANK. So the point of order is against the very conference report that this leadership which is now making the point of order tried to pass. I have

heard about being born again in some context, but born again parliamentarian is a new concept to me, and I think it ought to be clear. I want to be heard on the point of order, and I want to say that I want to defend the House leadership. If you sustain this point of order, you will be ruling that the very bill this House leadership tried to get majority Members to vote for a few hours ago was out of order. I do not think we ought to have the ruling calling into question the fealty of the House Republican leadership to the Rules of the House.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

If not, for the reasons stated by the gentleman from Missouri (Mr. BLUNT) the point of order is sustained and the conference report is vitiated.

CONCURRING IN SENATE AMENDMENT, WITH AN AMENDMENT, TO H.R. 333, BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2001

Mr. GEKAS. Mr. Speaker, I offer a motion.

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

The Clerk read as follows:

Mr. GEKAS moves that the House recede from disagreement to the Senate amendment and concur therein with the following amendment:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the matter after the enacting clause in H.R. 5745 as introduced on November 14, 2002.

The text of H.R. 5745 is as follows:

H.R. 5745

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

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Bankruptcy Abuse Prevention and Consumer Protection Act of 2002”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—NEEDS-BASED BANKRUPTCY

Sec. 101. Conversion.
Sec. 102. Dismissal or conversion.
Sec. 103. Sense of Congress and study.
Sec. 104. Notice of alternatives.
Sec. 105. Debtor financial management training test program.
Sec. 106. Credit counseling.
Sec. 107. Schedules of reasonable and necessary expenses.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices
Sec. 201. Promotion of alternative dispute resolution.
Sec. 202. Effect of discharge.
Sec. 203. Discouraging abuse of reaffirmation practices.
Sec. 204. Preservation of claims and defenses upon sale of predatory loans.
Sec. 205. GAO study and report on reaffirmation process.

Subtitle B—Priority Child Support

Sec. 211. Definition of domestic support obligation.

Sec. 212. Priorities for claims for domestic support obligations.
Sec. 213. Requirements to obtain confirmation and discharge in cases involving domestic support obligations.

Sec. 214. Exceptions to automatic stay in domestic support obligation proceedings.

Sec. 215. Nondischargeability of certain debts for alimony, maintenance, and support.

Sec. 216. Continued liability of property.

Sec. 217. Protection of domestic support claims against preferential transfer motions.

Sec. 218. Disposable income defined.

Sec. 219. Collection of child support.

Sec. 220. Nondischargeability of certain educational benefits and loans.

Subtitle C—Other Consumer Protections

Sec. 221. Amendments to discourage abusive bankruptcy filings.

Sec. 222. Sense of Congress.

Sec. 223. Additional amendments to title 11, United States Code.

Sec. 224. Protection of retirement savings in bankruptcy.

Sec. 225. Protection of education savings in bankruptcy.

Sec. 226. Definitions.

Sec. 227. Restrictions on debt relief agencies.

Sec. 228. Disclosures.

Sec. 229. Requirements for debt relief agencies.

Sec. 230. GAO study.

Sec. 231. Protection of personally identifiable information.

Sec. 232. Consumer privacy ombudsman.

Sec. 233. Prohibition on disclosure of name of minor children.

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

Sec. 301. Reinforcement of the fresh start.

Sec. 302. Discouraging bad faith repeat filings.

Sec. 303. Curbing abusive filings.

Sec. 304. Debtor retention of personal property security.

Sec. 305. Relief from the automatic stay when the debtor does not complete intended surrender of consumer debt collateral.

Sec. 306. Giving secured creditors fair treatment in chapter 13.

Sec. 307. Domiciliary requirements for exemptions.

Sec. 308. Reduction of homestead exemption for fraud.

Sec. 309. Protecting secured creditors in chapter 13 cases.

Sec. 310. Limitation on luxury goods.

Sec. 311. Automatic stay.

Sec. 312. Extension of period between bankruptcy discharges.

Sec. 313. Definition of household goods and antiques.

Sec. 314. Debt incurred to pay nondischargeable debts.

Sec. 315. Giving creditors fair notice in chapters 7 and 13 cases.

Sec. 316. Dismissal for failure to timely file schedules or provide required information.

Sec. 317. Adequate time to prepare for hearing on confirmation of the plan.

Sec. 318. Chapter 13 plans to have a 5-year duration in certain cases.

Sec. 319. Sense of Congress regarding expansion of rule 9011 of the Federal Rules of Bankruptcy Procedure.

Sec. 320. Prompt relief from stay in individual cases.

Sec. 321. Chapter 11 cases filed by individuals.

Sec. 322. Limitations on homestead exemption.

Sec. 323. Excluding employee benefit plan participant contributions and other property from the estate.

Sec. 324. Exclusive jurisdiction in matters involving bankruptcy professionals.

Sec. 325. United States trustee program filing fee increase.

Sec. 326. Sharing of compensation.

Sec. 327. Fair valuation of collateral.

Sec. 328. Defaults based on nonmonetary obligations.

Sec. 329. Clarification of postpetition wages and benefits.

Sec. 330. Delay of discharge during pendency of certain proceedings.

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

Sec. 401. Adequate protection for investors.

Sec. 402. Meetings of creditors and equity security holders.

Sec. 403. Protection of refinance of security interest.

Sec. 404. Executive contracts and unexpired leases.

Sec. 405. Creditors and equity security holders committees.

Sec. 406. Amendment to section 546 of title 11, United States Code.

Sec. 407. Amendments to section 330(a) of title 11, United States Code.

Sec. 408. Postpetition disclosure and solicitation.

Sec. 409. Preferences.

Sec. 410. Venue of certain proceedings.

Sec. 411. Period for filing plan under chapter 11.

Sec. 412. Fees arising from certain ownership interests.

Sec. 413. Creditor representation at first meeting of creditors.

Sec. 414. Definition of disinterested person.

Sec. 415. Factors for compensation of professional persons.

Sec. 416. Appointment of elected trustee.

Sec. 417. Utility service.

Sec. 418. Bankruptcy fees.

Sec. 419. More complete information regarding assets of the estate.

Subtitle B—Small Business Bankruptcy Provisions

Sec. 431. Flexible rules for disclosure statement and plan.

Sec. 432. Definitions.

Sec. 433. Standard form disclosure statement and plan.

Sec. 434. Uniform national reporting requirements.

Sec. 435. Uniform reporting rules and forms for small business cases.

Sec. 436. Duties in small business cases.

Sec. 437. Plan filing and confirmation deadlines.

Sec. 438. Plan confirmation deadline.

Sec. 439. Duties of the United States trustee.

Sec. 440. Scheduling conferences.

Sec. 441. Serial filer provisions.

Sec. 442. Expanded grounds for dismissal or conversion and appointment of trustee.

Sec. 443. Study of operation of title 11, United States Code, with respect to small businesses.

Sec. 444. Payment of interest.

Sec. 445. Priority for administrative expenses.

Sec. 446. Duties with respect to a debtor who is a plan administrator of an employee benefit plan.

Sec. 447. Appointment of committee of retired employees.

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

Sec. 501. Petition and proceedings related to petition.