

BANKRUPTCY TECHNICAL CORRECTIONS ACT OF 2010

Ms. CHU. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 6198) to amend title 11 of the United States Code to make technical corrections; and for related purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

On page 3, strike lines 1 through 5 and insert the following: "and

"(F) in paragraph (51D), by inserting 'of the filing' after 'date' the 1st place it appears."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from North Carolina (Mr. McHENRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. I yield myself such time as I may consume.

Mr. Speaker, on November 19, the Senate passed an amended version of H.R. 6198, the Bankruptcy Technical Corrections Act of 2010. H.R. 6198 makes a series of purely technical corrections in response to certain drafting errors resulting from the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

The Senate amendment simply removes from the bill a provision that corrected a misnumbered paragraph.

It is our understanding that some believe that this provision, which corrects a clear error in bankruptcy law, may possibly cause confusion with respect to other laws that currently contain cross-references to the incorrectly numbered paragraph. While some might question the need for the Senate amendment, we are willing to accommodate the concern.

Accordingly, I urge my colleagues to concur in the Senate amendment to H.R. 6198.

I reserve the balance of my time.

Mr. McHENRY. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Bankruptcy Technical Corrections Act of 2010, as amended by the Senate.

The House passed the original version of the bill in late September to make purely technical changes to the Bankruptcy Code. Then, as now, these changes are not intended to make any change to substantive bankruptcy law.

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Instead, these changes clean up the text of the Bankruptcy Code to make it easier to use by lawyers and judges.

The Senate amendment strikes one provision of the House bill which would have renumbered the section of the Bankruptcy Code that defines the term "timeshare plan." Rather than define "timeshare plan" in their own State codes, many State legislatures have chosen to incorporate the Federal definition by reference into their State law. The Senate amendment reflects a concern that changing the section number of the Bankruptcy Code definition would have resulted in inaccurate cross references in numerous State codes.

The necessity of the Senate amendment highlights the perils that result when States legislate by reference to provisions of Federal law. The States are sovereign in our system of constitutional federalism and they should exercise an independent duty to legislate without respect to mutable Federal laws.

The House bill, as amended, will clear up some existing confusion in the bankruptcy community regarding provisions of the Bankruptcy Code. It is important that Federal law be technically sound so that the intent of Congress is clear and judges do not use technical loopholes to practice judicial activism.

In particular, it is important that the Bankruptcy Code be technically sound because of the volume of bankruptcy filings during this recession. As America continues to struggle with high unemployment, bearish capital markets, and massive deficits, the Bankruptcy Code is playing an increasingly important role in our Nation's financial health. Unfortunately, that is the case.

As my colleagues on the Judiciary Committee stated when the House first considered this bill, it is important that the CONGRESSIONAL RECORD reflect the bipartisan acknowledgment that this bill does not, and is not, intended to enact any substantive change to the Bankruptcy Code. Lawyers and judges who practice bankruptcy law should not understand any provision of this bill to confer, modify, or delete any substantive bankruptcy right. Similarly, no inference should be drawn from the absence in this bill of a technical amendment to any other part of the Bankruptcy Code.

With this understanding, I support the bankruptcy technical amendments bill as amended by the Senate, and I share that with my Republican colleagues on the Judiciary Committee.

I yield back the balance of my time.

Ms. CHU. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 6198.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PUBLIC CONTRACT LAW TECHNICAL CORRECTIONS

Ms. CHU. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1107) to enact certain laws relating to public contracts as title 41, United States Code, "Public Contracts".

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

On page 2, in the item relating to chapter 35 in the subtitle analysis, strike "and" and insert "or".

On page 7, strike lines 14 through 20 and insert "In this subtitle, the term 'supplies' has the same meaning as the terms 'item' and 'item of supply'".

On page 9, line 20, strike "support" and insert "support".

On page 25, lines 11 and 12, strike "under section 5376 of title 5" and insert "for level IV of the Executive Schedule".

On page 48, line 34, strike "employee from State or local governments" and insert "individual".

On page 55, line 36, strike "\$2,500" and insert "\$3,000".

On page 56, line 15, strike "\$2,500" and insert "\$3,000".

On page 56, line 19, strike "\$2,500" and insert "\$3,000".

On page 77, line 1, strike "his representatives" and insert "representatives of the Comptroller General".

On page 93, lines 18 and 19, strike "under section 5376 of title 5" and insert "for level IV of the Executive Schedule".

On page 110, line 21, strike "AND" and insert "OR".

Beginning on page 131, strike line 8 and all that follows through page 132, line 19, and insert the following:

"(c) CONTRACT PERIOD.—The period of a task order contract entered into under this section, including all periods of extensions of the contract under options, modifications, or otherwise, may not exceed 5 years unless a longer period is specifically authorized in a law that is applicable to the contract."

On page 185, line 39, strike "AMOUNT" and insert "AMOUNTS".

On page 185, line 40, strike "amount" and insert "amounts".

On page 186, line 1, strike "amount" and insert "amounts".

On page 201, line 13, strike "under section 5376 of title 5" and insert "for level IV of the Executive Schedule".

On page 204, between lines 10 and 11, insert the following:

"(3) PERSON.—The term 'person' means a corporation, partnership, business association of any kind, trust, joint-stock company, or individual."

On page 204, line 11, strike "(3)" and insert "(4)".

On page 204, line 14, strike "(4)" and insert "(5)".

On page 204, line 17, strike "(5)" and insert "(6)".

On page 204, line 20, strike "(6)" and insert "(7)".

On page 204, line 24, strike "(7)" and insert "(8)".

On page 204, line 31, strike "(8)" and insert "(9)".

On page 208, line 6, insert "(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)" after "division C".

On page 209, line 3, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 213, line 36, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 213, line 39, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 8, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 13, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 16, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 19, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 24, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 27, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 39, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 215, line 3, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 215, line 6, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 215, line 10, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 215, line 13, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 215, line 16, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 215, line 19, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 217, line 28, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 219, line 30, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 219, line 33, strike “(except section 3302)” and insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”.

On page 219, line 38, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 220, line 5, insert “(EXCEPT SECTIONS 1704 AND 2303)” after “DIVISION B”.

On page 220, line 8, insert “(except sections 1704 and 2303)” after “division B”.

On page 220, line 13, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 220, line 16, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 220, line 18, insert “(except sections 1704 and 2303)” after “division B”.

On page 220, line 36, insert “(except sections 1704 and 2303)” after “division B”.

On page 221, line 5, insert “(except sections 1704 and 2303)” after “division B”.

On page 221, line 13, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 221, line 16, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 221, line 26, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 221, line 29, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 222, line 18, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 222, line 22, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 222, line 37, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 223, line 25, insert “(EXCEPT SECTIONS 1704 AND 2303)” after “DIVISION B”.

On page 236, strike “2006” in the column relating to “Date”.

On page 236, strike the item related to Public Law 109-364.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from North Carolina (Mr. MCHENRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. I yield myself such time as I may consume.

Mr. Speaker, H.R. 1107 codifies into positive law as title 41, United States Code, certain general and permanent laws related to public contracts. This is a noncontroversial bill that is not intended to make any substantive changes in the law. The Office of Law Revision Counsel periodically suggests to the committee of jurisdiction appropriate revisions to the United States Code in light of the enactment of codified laws. These changes are purely technical in nature. As is typical with the codification process, a number of non-substantive revisions are made, including the reorganization of sections into a more coherent overall structure.

Similar legislation has been introduced and favorably reported in each of the past two Congresses. It passed the House in May of last year. While it has been awaiting action in the Senate, a few additional technical corrections were identified, and they have been incorporated in the version that passed the Senate and that we are considering today.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. MCHENRY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 1107, a bill proposed by the Office of Law Revision Counsel, to update and approve the codification of title 41 of the United States Code. The Judiciary Committee has jurisdiction over law revision bills, and this particular bill deals with the title addressing public contracts.

The Judiciary Committee considered and approved a similar bill last Congress, but it was ultimately not taken up by the House before the end of the

Congress. H.R. 1107 and similar law revision bills are important because they ensure that the U.S. Code is up to date, accurate, and usable. I am glad to support this legislation today.

In closing, certainly the floor has been in chaos this afternoon, but we would like to take care of these Judiciary Committee suspension bills so we can get them done before the end of the year, and I appreciate my colleague taking the floor as well.

I yield back the balance of my time.

Ms. CHU. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1107.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CHU. 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. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

AUTHORIZING PILOT PROGRAM FOR PATENT CASES

Ms. CHU. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 628) to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. PILOT PROGRAM IN CERTAIN DISTRICT COURTS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a program, in each of the United States district courts designated under subsection (b), under which—

(A) those district judges of that district court who request to hear cases under which 1 or more issues arising under any Act of Congress relating to patents or plant variety protection are required to be decided, are designated by the chief judge of the court to hear those cases;

(B) cases described in subparagraph (A) are randomly assigned to the judges of the district court, regardless of whether the judges are designated under subparagraph (A);

(C) a judge not designated under subparagraph (A) to whom a case is assigned under subparagraph (B) may decline to accept the case; and

(D) a case declined under subparagraph (C) is randomly reassigned to 1 of those judges of the court designated under subparagraph (A).

(2) SENIOR JUDGES.—Senior judges of a district court may be designated under paragraph (1)(A) if at least 1 judge of the court in regular active service is also so designated.