

PROVIDING FOR CONSIDERATION OF S. 256, BANKRUPTCY
ABUSE PREVENTION AND CONSUMER PROTECTION ACT
OF 2005

APRIL 13, 2005.—Referred to the House Calendar and ordered to be printed

Mr. GINGREY, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 211]

The Committee on Rules, having had under consideration House Resolution 211, by a record vote of 7 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for the consideration of S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, under a closed rule. The rule provides one hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against the bill and its consideration. Finally, the rule provides one motion to recommit.

EXPLANATION OF WAIVERS PROVIDED BY THE RESOLUTION

The waiver of all points of order against consideration of the bill is needed because under the budget resolution now in force, enacting this bill will violate sections 302(f), 303, and 311 of the Budget Act. The bill violates 302(f) because its direct spending will exceed, by \$6 million over 5 years, the Committee on the Judiciary's allocation. It will violate section 303 because its revenue loss first becomes effective in 2006, a year for which a final budget resolution has not yet been adopted. It will violate section 311 because the revenue loss allowed under the budget resolution now in force already has been exceeded. The bill would not, however, violate H. Con. Res. 95, the House-passed budget resolution for fiscal year 2006. Under that resolution, the Judiciary Committee has sufficient room in its allocation to accommodate the spending in this

measure. A conference report on H. Con. Res. 95 has not yet been adopted.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 18

Date: April 13, 2005.

Measure: S. 256, Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Motion by: Mrs. Slaughter.

Summary of motion: To report an open rule.

Results: Defeated 4 to 7.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 19

Date: April 13, 2005.

Measure: S. 256, Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Motion by: Mrs. Slaughter.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Mr. Emanuel, which limits the asset protection trust exemption to \$125,000 annually over a ten-year period.

Results: Defeated 4 to 7.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 20

Date: April 13, 2005.

Measure: S. 256, Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Motion by: Mrs. Slaughter.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Mrs. Slaughter, which requires credit card companies to determine whether a student applicant has the financial means to pay off a credit card balance before they are approved. Restricts the credit limit to minimum balances if the student has no independent income, and requires parental approval for credit limit increases in the event that a parent cosigns the account.

Results: Defeated 4 to 7.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 21

Date: April 13, 2005.

Measure: S. 256, Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Motion by: Mr. McGovern.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Mr. Delahunt, which requires debtor corporations to file for bankruptcy where their principal place of business is located.

Results: Defeated 4 to 7.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 22

Date: April 13, 2005.

Measure: S. 256, Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Motion by: Mr. McGovern.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Mr. Meehan, which provides a homestead exemption of \$150,000 for medically distressed debtors, who are defined as a debtor whose medical expenses (or medical expenses of a member of the household) exceeded 50% of the household income, or a debtor who is a member of a household that lost all or substantially all of one member's employment or business income for 4 or more weeks due to a medical problem.

Results: Defeated 4 to 7.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 23

Date: April 13, 2005.

Measure: S. 256, Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Motion by: Mr. McGovern.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Mr. Scott of Virginia, which ensures that individuals are afforded the protection of Chapter 7 bankruptcy and are exempt from dismissal or conversion if a substantial portion of the indebtedness: (1) is due to business losses incurred by a spouse who has died or deserted the debtor; (2) was incurred as a result of illness of the debtor, a dependent of the debtor, or the debtor's spouse if not a dependant of the debtor; or (3) was a result of the unforeseen loss of employment through no fault of the debtor.

Results: Defeated 4 to 7.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 24

Date: April 13, 2005.

Measure: S. 256, Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Motion by: Mr. McGovern.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Mr. Meehan, which exempts from the means test disabled veterans whose indebtedness occurred primarily as a result of an injury or disability resulting from active duty or homeland defense activities. Exempts disabled veterans whose indebtedness occurs after active duty. Currently the bill only exempts disabled veterans whose indebtedness occurs primarily while on active duty.

Results: Defeated 4 to 7.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 25

Date: April 13, 2005.

Measure: S. 256, Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Ms. Woolsey, which allows servicemen returning from combat areas to enroll, free of charge, in the credit counseling classes that are required by the bill before a person can enter into bankruptcy.

Results: Defeated 4 to 7.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 26

Date: April 13, 2005.

Measure: S. 256, Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Mr. Watt, which expands the current allowable expenses under the means test for school expenses for minor children (up to \$1,500 per child annually), to include actual post-secondary education expenses of dependent children.

Results: Defeated 4 to 7.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 27

Date: April 13, 2005.

Measure: S. 256, Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Mr. Hastings of Florida, which requires credit card companies to preserve a customers' interest rate prior to incurring medical expenses, in the case of a customer being unable to pay off the full medical expenses on time. Prohibits hospitals from reporting delinquent patients for five

years, provided that the patient is repaying 20% of his or her monthly mandated medical expenses.

Results: Defeated 4 to 7.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 28

Date: April 13, 2005.

Measure: S. 256, Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Motion by: Ms. Matsui.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Mrs. Maloney, which requires that child support and alimony post-petition payments be made before payments on other debts, including credit card debt.

Results: Defeated 4 to 7.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 29

Date: April 13, 2005.

Measure: S. 256, Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Motion by: Ms. Matsui.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Ms. Lofgren, which exempts a debtor from the means test if, in any consecutive 12-month period during the 3 years preceding the bankruptcy petition, the debtor: (1) had uncovered medical expenses that exceeded 50% of the debtor's household income; (2) was a member of a household in which at least one person lost all of their income for 4 or more weeks due to a medical problem; or (3) was a member of a household in which at least one person lost all of their alimony or child support income for 4 or more weeks due to a medical problem.

Results: Defeated 4 to 7.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 30

Date: April 13, 2005.

Measure: S. 256, Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Motion by: Ms. Matsui.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Mr. Schiff, which provides that if at least 51% of the creditor claims against an individual in a bankruptcy proceeding are a result of identity theft, a court shall not presume that abuse exists and thereby prevent that individual from filing under chapter 7.

Results: Defeated 4 to 7.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 31

Date: April 13, 2005.

Measure: S. 256, Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Motion by: Mr. Putnam.

Summary of motion: To report the resolution.

Results: Agreed to 7 to 4.

Vote by Members: Diaz-Balart—Yea; Sessions—Yea; Putnam—Yea; Capito—Yea; Bishop—Yea; Gingrey—Yea; Slaughter—Nay; McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Dreier—Yea.