gentleman from Illinois (Mr. DAVIS), and the gentlewoman from California (Ms. SANCHEZ) some of the highlights of this extraordinary individual's career. He was a soldier, a public servant, a civil servant, a civic leader, a husband, a father, and a grandfather. He was a hero to many, many people in Orange County, in California, and ultimately, across the country.

I think it is just spectacularly fitting that as a member of the greatest generation, we can begin a story about Hector Godinez by pointing out the very salient fact that he was a tank commander under General Patton in Germany. Yet, he was such a gentle man, genial, funny.

Those of us who represent constituents know we have to go to the postmaster from time to time to work out problems: The mail is not getting delivered; I cannot get a post box in front of my house. As the postmaster in Orange County for 30 years, no one was more friendly and more responsive in response to such constituent needs than was Hector Godinez. He was just a pleasure to deal with throughout his life and his career.

In Germany, this gentle man was shot at, wounded, and earned a Purple Heart and a Bronze Star for his valor. He continued to serve his country in everything he did for the rest of his life.

He earned national distinction relatively earlier in his career because this Republican was appointed by a Democratic President, John F. Kennedy, as the first Mexican American postmaster in American history. He was an enormously positive presence in our community of 3 million people in Orange County.

As the gentleman from Illinois (Mr. DAVIS) pointed out, he was remembered at the time of his death by our leading newspapers, the Orange County Register and the Los Angeles Times, for his fights against ethnic and racial discrimination. He attended ethnically segregated schools as a youngster, and he fought to make sure that would not happen to kids in his adult life. He fought against racial segregation and discrimination very successfully.

He was a founding member of the local chapter of the League of United Latin American Citizens, and rose to become the President of the national organization from 1960 to 1966. He was the first Latino ever elected president of the Santa Ana Chamber of Commerce.

Just as he devoted tireless efforts to the Mexican American community, Hector Godinez served all Orange Countians. He served on the board of directors of our public television station, KOCE TV, he chaired the Orange County Council of the Boy Scouts of America, he served on numerous civic boards and commissions, and helped raise hundreds of thousands of dollars for charities and student scholarships.

□ 1330

I would like to conclude by paying a moment of tribute to the people who in Hector's life were the most important: his wife of 53 years, Mary; his four children, Hector, Robert, Linda and Gloria; and their nine grandchildren.

To his family I would like to say that today the House of Representatives stands with you in honoring Hector's life and work. He is an example to us all.

Mr. Speaker, I thank you for allowing H.R. 1366 to come to the House floor today and I thank my colleagues for joining us to pass this important legislation so that all of America may join those paying tribute to one of Orange County's and the Nation's greatest men.

Mr. DAVIS of Illinois. Mr. Speaker, based on all I have heard and all the comments and accolades, I urge swift passage of this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1366

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

SECTION 1. DESIGNATION OF HECTOR G. GODINEZ POST OFFICE BUILDING.

The United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, shall be known and designated as the ''Hector G. Godinez Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, regulation, map, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the ''Hector G. Godinez Post Office Building''.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3925.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. PHELPS. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I offer a motion to instruct that I noticed yesterday.

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

The Clerk read as follows:

Mr. PHELPS of Illinois moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646 (an Act to provide for the continuation of agricultural programs through fiscal year 2011) be instructed to agree to the provisions contained in section 1071 of the Senate amendment, relating to reenactment of the family farmer bankruptcy provisions contained in chapter 12 of title 11, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. PHELPS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. PHELPS).

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

Mr. Speaker, the motion is very simple. It asks that the conferees on the farm bill accept language in a Senate bill that would make Chapter 12 of the Bankruptcy Code permanent. I do not think there is any controversy whatsoever that Chapter 12 works well and 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.

No one can honestly say that the loss of family farms is anything other than a catastrophe for this Nation. The combined pressures of low crop prices, high debts just to get your crop in the ground, the economic competition from large industrial farms and Third World production all combine to squeeze those family farmers that form the backbone of our rural community.

I unfortunately see this too frequently in my congressional district in central and southern Illinois. When a family farmer goes under, it is a tragedy not just for that family, but it is a tragedy and a loss to the economic life of small rural communities all across America.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the motion currently under consideration.

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

There was no objection.

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

Mr. Speaker, I will not oppose the motion to instruct conferees with respect to Section 1071 of the Senate amendment to H.R. 2646 because the House is on record as having supported a version of this measure on numerous occasions. I do, however, have concerns about the potential impact this motion may have on another pending conference.

Section 1071 in effect would make Chapter 12, a specialized form of bankruptcy relief available to certain family farmers, a permanent component of

the Bankruptcy Code retroactive through October 1, 2001.

Without question, the family farmer plays a critical role in our Nation's health and economic well-being. Unfortunately, bad weather, rising energy costs, volatile marketplace conditions, competition for large agribusinesses, and the economic forces experienced by any small business affect the financial stability of some family farmers.

In response to the specialized needs of small family farmers in financial distress, Chapter 12 of the Bankruptcy Code was enacted on a temporary basis as a part of the Bankruptcy Judges, United States Trustees and Family Farmer Bankruptcy Act of 1986. It has subsequently been extended on several occasions, most recently until October 1 of last year.

On the other hand, we know that statistically Chapter 12 is utilized rarely. While total bankruptcy filings in each of the past 6 years has surpassed more than 1 million cases, the number of Chapter 12 cases exceeded 1,000 on only one occasion, and that was back in 1996. So for the past 5 years there have not been even 1,000 Chapter 12 filings.

In the absence of Chapter 12, family farmers may apply for relief under the Bankruptcy Code's other alternatives, although these generally do not work quite as well for farmers as does Chapter 12.

As you know, I have consistently supported prior efforts to extend Chapter 12 in this Congress. I must note, however, that a substantively identical provision to Section 1071 is already included in H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act which is currently in conference. And that conference is much further along than the farm bill conference.

Since August of last year, the House and Senate staff have been actively working to resolve the differences between the respective bills. In February of this year, the House conferees sent the Senate a proposed offer resolving all outstanding issues. Although the Senate did not accept the proffer, I am pleased to report as of last week there is a mere handful of items that need to be resolved and that the bankruptcy conference is nearly completed.

Given this significant progress, it is my expectation that the few remaining matters will be resolved well before the conference on H.R. 2646 is completed.

Among the issues resolved in the bankruptcy conference are a series of provisions that give family farmers enhanced protections under Chapter 12. These provisions, in addition to a permanent extension of Chapter 12, are included in the bankruptcy conference as part of a complex and extensively negotiated effort. So merely making Chapter 12 permanent will mean that the enhanced protections that are already agreed to in the bankruptcy conference will end up not becoming a part of the permanent law. And those types of enhanced protections will end up having to start over from scratch.

Therefore, I am accordingly quite concerned that the motion to instruct may be simply an effort to cherry-pick one of the provisions which would incentivize others to do the same. I fear that the motion to instruct could reduce the momentum for the bankruptcy conference and lessen support for it, and thereby jeopardize enactment of the other farmer-friendly protections included in the compromise.

It is for these very same reasons I have adamantly opposed attempts by others to move other provisions in the bankruptcy bill separately. Again, although I do not oppose the motion to instruct conferees on Section 1071, I am very concerned that it may potentially have a damaging impact on the pending bankruptcy conference and the additional farmer-friendly protections already agreed to.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, in all due respect to my colleague from Wisconsin (Mr. SENSENBRENNER), we have been hearing this for almost 5 years now, that we are going to move on with Chapter 12, make it permanent. There are always divisive issues lingering around that we have to deal with that could serve to disrupt our goal in trying to achieve these matters. I feel like we need to move on this now.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, Chapter 12 bankruptcy protection was created to help farmers in crisis keep their family farms. The farm bill includes a provision added by the other body to make Chapter 12 of the Bankruptcy Code permanent.

By accepting this Senate provision, we can finally ensure that our farmers have this important protection permanently in place. Bankruptcy generally requires liquidation of real property rather than reorganization if debtors have significant assets. Of course, for family farmers, this means that their farm equipment and other assets often disqualify them for reorganization under Chapter 11 or 13, and they are forced into Chapter 7 liquidation. Chapter 12 allows these family farmers to keep essential farm assets and reorganize their debts.

With planting season just beginning, farmers need to know how now that they can reorganize and keep their farms. Farmers in Wisconsin and around the Nation are in stress, duress, and crisis. A dairy farmer from Belleville in my district called me about this issue just the other day. He has been in 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, and now milk prices are reaching historic lows again. He simply cannot stay in business because he is losing money. He is scared he is going to lose his farm to his creditors and let his family down.

Chapter 12 would allow this gentleman another chance to reorganize his debts and keep the farm in his family.

Permanent Chapter 12 bankruptcy protection will provide the security family farmers in crisis need to decide whether to stay in business as they make their way through financial difficulty.

The gentleman from Wisconsin (Mr. SENSENBRENNER) has pointed out comprehensive bankruptcy reform legislation, H.R. 333, is currently under consideration in a conference committee. The gentleman is correct. Although I appreciate his optimism about a quick completion to the H.R. 333 conference, significant issues remain unresolved in that conference. While waiting for this comprehensive bankruptcy reform legislation over the past 5 years, Chapter 12 has expired six times and it has been expired since last September. During this current Congress we have been forced to pass two extensions of Chapter 12. The farm bill provides an excellent opportunity to ensure that Chapter 12 is made permanent this year.

I understand the gentleman from Wisconsin (Mr. SENSENBRENNER) firmly believes in keeping all H.R. 333 provisions from being considered separately by this House. But Chapter 12 bankruptcy is an important protection that our family farmers need right now. And I am confident that the distinguished gentleman will be able to fight off other attempts to pass individual provisions of the bankruptcy reform bill should they come before this House separately.

Chapter 12 is the only provision in the bankruptcy bill that is currently expired. It is time to act to ensure our farmers that this additional protection will allow them to keep their farms. I urge my colleagues to support this motion to instruct and urge the other conferees to recede to the Senate position.

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

Mr. Speaker, again, I am not opposed to this motion to instruct, but I think that everybody ought to know what section 1071 of the Senate bill leaves out which is in the agreed-upon provision relative to family farms in the House-Senate compromise and the bankruptcy bill.

First of all, both 1071 and the compromise make Chapter 12 permanent. But what 1071 does not do is to increase the debt limits and index that debt limit to inflation. What is being proposed in the Senate version of the farm bill is going to have the debt limit be frozen on what it is now.

There also is a provision in the compromise that makes more flexible the percentage of income derived from farming for both spouses. And where one spouse works on the farm and another spouse has got a job off the farm, the current law which they are proposing to make permanent without any

improvements, is going to make these types of farmers ineligible for Chapter 12, and they will have to go to either Chapter 11 or Chapter 13.

□ 1345

One of the improvements that has been agreed to in the bankruptcy conference is a prohibition on the retroactive assessment of disposable income, not in section 1071; and finally, the House-Senate bankruptcy conference has agreed to include family fishermen under Chapter 12 which is not in section 1071.

So even though I am supporting the gentleman's motion, I would really hope that the proponents of this motion would start putting pressure on the conferees over in the other side on the bankruptcy bill because we can make Chapter 12 much better by using the bankruptcy bill as a vehicle.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GEKAS), the principal author of the bankruptcy bill.

Mr. GEKAS. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me the time, and the gentleman from Wisconsin has given an excellent account of the history of Chapter 12.

There was not one moment since the bankruptcy reform movement started 5 years ago that we did not consider Chapter 12 and the extension thereof and to make it permanent. So when we rise here today to routinely support the motion, we come from a history that supports our ability to do that. We have always supported Chapter 12 in making it permanent or extending it when necessary.

Here is the strange thing. This Chapter 12 is to aid the farmers in distress. Is there any one of us who does not want to aid a farmer in distress? Should we not apply some of the same resources and energy that the gentleman in bringing this motion to the floor could apply to helping our farmers seek and gain prosperity? Should we not be devoting some of the time as to the farmer on determining whether or not we should support the President in his trade authority to Fast Track Authority, so that our farmers can see expanded markets all over the world? That is what our farmers want.

Of course, they want a fail-safe net of bankruptcy in case they go into distress, but more than that, they want expanded markets; and we should be supporting a motion to send a message to the Senate that they ought to act on trade authority for the President so that he can help our farmers by expanding markets. That is even more important than the safety net which we all agree should be in place, but we want to prevent every single farmer in our country from going bankrupt by expanding markets.

Moreover, is it not just as worthy a venture on our part to come to the floor here and to talk about the elimination of death taxes? The farmer in our every district is pining for the day when death taxes will be eliminated, because the very future of the family farm rests on whether or not they can pass on green land to their successors rather than have to dispose of it, the heirs, in order to pay off the death taxes. That is a worthy debate that we ought to have on this floor, not to only worry about the farmer in distress but to take steps to make a farmer prosperous, to make sure if we can that he will never have to face bankruptcy. If he does, we are there to help.

We are asking our colleagues to help, help the farmer prosper so that he never has to face bankruptcy. We ought to be discussing a motion to send a signal to the Senate to act on elimination of death taxes, to act on Fast Track Authority for the President as real antidotes for the plight of the farmer, not to predict the future of bankruptcy, but to predict the future of prosperity and success for our family farmer.

We ought to be coming back to this floor as soon as we can and making an impassioned plea to Senator DASCHLE, if I could use his name appropriately, and to the leadership in the Senate to act on the elimination of death taxes. That will help the farmer. That will help the family farmer. That will help our free flow of farm goods to all the markets of the world; and at the same time, we should be devoting some time, not just on bankruptcy, not just the distress of a farmer, but the success of the farmer that can come from expanding markets in China and in the world community eager to trade with the United States.

I am for this motion. My goodness am I for this motion, but I dread the thought of bankruptcy for a farmer. I want to help him escape bankruptcy. I want him to know that this Congress is helping him in the prospect of eliminating death taxes. I want the farmer to know that, while we are going to protect him if he goes into bankruptcy, heaven knows we will do that. We have been trying for 5 years.

We have never had one moment of consideration of the bankruptcy reform bill in which we did not consider the plight of the farmer in distress; but my goodness, we ought to be discussing just as fulsomely the prospect of eliminating the death taxes and at the same time granting the President Fast Track Authority to open the markets of the world to the farmer who wants to till, not to fail, who wants to work, not to go into bankruptcy.

We do not want one single farmer to go into bankruptcy. We want fast track. We want elimination of death taxes, to help all the farm communities gain prosperity and avoid bankruptcy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI). Members are reminded to avoid mentioning individual members of the other body and to urge Senate action or inaction.

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

That is all wonderful and we have heard this rhetoric before. I hold in my hand the CONGRESSIONAL RECORD of both February and June of last year where the gentleman from Michigan (Mr. SMITH) addresses this very item; and yet we are still talking about helping bankrupt farmers, possibly having the tools they need to get back to the table with their creditors. Sure, all this other stuff we are talking about, global and marketing and how we can help the farmer, what about now? Why are we still delaying this?

I hope to see the improvements enacted into law that the gentleman talked about, Mr. Speaker. While we are waiting, farmers do not even have the protections in current law. We cannot let the perfect be the enemy of the good. If Congress later passes a bill that improves Chapter 12, so much the better; but we need the protections of current law now. Adopting this and making Chapter 12 permanent will not prevent us from improving it later.

Like the chairman, I supported House Resolution 333, and I am not trying to derail it. I am just trying to put some real teeth into what we promised could be helpful to those farmers who may be looking at a planting season or possibly facing bankruptcy, wondering whether they should go ahead and plant with the promises of maybe next year, if they have a good crop year, they can have these tools that we promised them; and then perhaps then we will still talk about like we have been, since last year, have this same record of rhetoric and the farmer is even in deeper hock then, another year, because what he was promised did not materialize. This is something that I think we can accept and must move forward.

Farming, Mr. Speaker, is everybody's business; and we ignore the plight of our family farmer at our own peril. Unfortunately, that is exactly what Congress has done. Chapter 12 was enacted in 1986. There was some questions whether it would work properly so Congress made it temporary.

The idea behind Chapter 12 is straightforward. Other forms of bankruptcy relief are either too costly or do not fit the particular circumstances of a family farm. They own lots of equipment, they had lots of debt, they have their knowledge of the land handed down through the generations, and they have nothing to offer but the sweat of their brow. Unfortunately, because a family farm is not Enron or Kmart or Pan Am, Chapter 11 will not work when they try to propose a plan to repay their debts because of something called the ''absolute priority rule.'' I am sure everybody out there in the land knows about that.

As interpreted by the Supreme Court, the hard work of a family farm does not count when they propose a plan to repay their debts and still hold on to their farm equipment. The general rules of bankruptcy reorganization are not designed to preserve a family farm

as a going concern, and they do not accomplish that goal in fact.

In 1997, the National Bankruptcy Review Commission recommended that Chapter 12 be made permanent. Shortly thereafter, a bipartisan bill sponsored by Senators DASCHLE and GRASSLEY, who do not always find much to agree on by the way, introduced legislation to do so. Both the House and Senate have included language in their bankruptcy bill that would make Chapter 12 permanent and make further improvements to it so that more farmers would be eligible.

These are all wonderful developments my colleagues speak about; but here we are nearly 5 years later with no Chapter 12, and let me repeat, there is no Chapter 12. Not only has Congress failed to make it permanent, but the efforts to extend it and keep it in effect have been stymied. Chapter 12 relief has been legally unavailable since October 1st of last year. There is no excuse for this.

We have been told repeatedly that the bankruptcy bill will pass any day now, and I am supportive. Bring it on. We have been told to wait patiently. We have been told that help is on the way, that the legislation we need is moving like lightning. Well, in southern Illinois, Mr. Speaker, in my part of the country, lightning strikes quickly. One does not have to wait around 5 years waiting for it to hit.

I understand the concern of the proponents of the bankruptcy bill. This is popular and people need it. We give up a nice sweetener in the bill. I voted for that bill, but enough is enough. We have the chance to protect family farmers now. We cannot wait for lightning to strike or pie to fall from the sky.

For those of my colleagues who are concerned that bankruptcy would do more for Chapter 12 farmers, I would point out that passing a permanent Chapter 12 bill as part of the farm bill will not stop us from doing more later should the bankruptcy bill pass. If it does pass, those extra protections would be added to the law and farmers would benefit.

Let us not hold family farmers hostage while the bankruptcy bill lumbers through the process. It has been about to pass for the last 5 years. Family farmers cannot any longer wait. I urge my colleagues to let our farmers go. Support the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

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

I appreciate the impassioned speech by the gentleman from Illinois. I am afraid he has forgotten a couple of things as he has been talking about how good Chapter 12 is.

First of all, Congress did pass an extension of Chapter 12. It was by a voice vote in this House and an overwhelming vote in the Senate as a part of a bankruptcy reform bill, and Chapter 12 would be permanent today if it were not for the fact that President Clinton pocket vetoed the Bankruptcy Reform Act in the last Congress; and in this Congress, the House has been attempting to reach a compromise with the other body in the bankruptcy conference.

We sent a proffer to the Senate in February to resolve all of the outstanding issues, and the other body rejected it. So there has not been any negligence on the part of the House of Representatives in reaching a conclusion on this. We still continue our negotiations. The people on the other side of the Capitol are bringing additional issues that were not considered in either House that we continue negotiating.

One of my top priorities this year is to get a bankruptcy bill passed and signed into law that will help out everybody in this country, not just the 383 people who filed for Chapter 12 in the year 2001.

I need the gentleman's help in getting an overall bankruptcy reform bill passed. Again, I do not have a problem with his motion to instruct, but I hope and pray that the effect of that motion to instruct is not to unravel all of the popular items out of a bankruptcy reform bill so that we do not pass an overall bankruptcy reform bill and get it signed into law.

Last year, bankruptcy wrote off $44 billion of debt of bankrupts and that has increased the cost of goods and services by approximately $400 for the average American family from Maine to California, and it seems to me that we should not be letting people who use bankruptcy as a financial planning tool off the hook because that ends up being a tax increase on the overwhelming majority of the American people who pay their debts as agreed, and that is the issue in bankruptcy reform; and that is why we have got to keep all the cars on the train so that we can get this passed and relieve the American people of having to pay the debts of those that use bankruptcy as a financial planning tool.

□ 1400

Mr. Speaker, I support the motion to instruct, but let us keep our eye on the ball.

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

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

Mr. Speaker, I respect the gentleman's leadership in this field, and I have observed the gentleman very closely since I have been here. I know the gentleman is dedicated to passing legislation that will help all those who are facing bankruptcy have the tools to properly deal with it.

I know that the voice vote that the gentleman has mentioned, we have had it twice since October in this House, yet we are facing the same situation for those farmers who are wanting the assistance that we can provide them, and they are asking what is the problem. I am here trying to cheer this on because I feel we are at a critical point in time as our conferees are discussing the farm bill. As a member of the Committee on Agriculture, I am trying to help farmers in my district, knowing what is at stake.

Family farmers work hard and play by the rules, and they are wanting the proper rules in place so they can repay their debts. Chapter 12 provides them with breathing room and an ability to repay their creditors. Family farmers are the proudest people I have ever met. They do not want debts hanging over their heads. They want to get it off the books. They want the tools to work with it. They know that we have it promised, and they know that we say it is forthcoming, and every year for the last 5 years we will hand them the resources so they know where they are at and how they can plan.

Sure, the estate tax needs to be repealed. I was a cosponsor and voted for it, but I feel like we played some gimmickry in the bill that put it 10 years down the road rather than repeal it immediately, but that is another matter.

We are here before family farmers, saying we have the equipment to give them to sit down with their creditors, renegotiate, possibly get by another planting season, and to save the family farm. I am trying to do this on behalf of my family farmers who are struggling in the 19th Congressional District in southern Illinois, one of the highest unemployment areas of the Nation.

We have it ready to give to them. What is the hold-up? If the bankruptcy bill passes, and all of the other obtrusive things that may come about, we can deal with in that bill. We have people that are equipped and have experience to negotiate what is proper. It is time to close on this.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, sometimes I am not too good on politics, but I like to think that I am good on policy. I think both sides have decided it is good policy to have this kind of bankruptcy provision for American agriculture.

Just briefly, let me explain what it does. It says to farmers that instead of going into a separate chapter, we are going to have a provision where they do not have to sell their tractor, plow, and tools in order to try to come back and try to resolve their indebtedness problems, but we are going to give farmers a little leeway so they do not have to sell their equipment, which is the only way they are going to be able to survive and reconstruct their business.

The concept of this direction to conferees is good. It is something that needs to be done. I am going to vote for it. I think the politics might be that it is an extra, for lack of a better word, inspiration for the conferees on the bankruptcy bill to move ahead with that bill.

But American agriculture right now has real problems. There are individuals who have filed bankruptcy. The bankruptcy courts are waiting in hopes that this will be changed into law so that they can refile and allow these farmers to refile under Chapter 12 provisions. Chapter 12 allows some of the farmers who are hard pressed, and it is mostly the smaller farmers who have been forced through government programs and low commodity prices to give up farms which have been in their family for generations.

I hope my colleagues will support this instruction, because I think it is important that we move ahead with this legislation.

Mr. Speaker, the gentlewoman from Wisconsin (Ms. BALDWIN) and I have introduced three bills. Two of them have been passed. One is in the wings, waiting now to at least have a temporary continuation of the Chapter 12 provision for farmers.

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

Mr. Speaker, I thank the gentleman for his leadership in this area and for his support for the motion. And I would add, the gentleman is good on politics or he would not be here.

Mr. COMBEST. Mr. Speaker, I am in complete agreement with my good friend from Wisconsin, the Chairman of the Judiciary Committee, that this motion to instruct House Conferees on H.R. 2646 to accept section 1071 of the Senate amendment could negatively affect the good progress that has been made in the bankruptcy conference. The bankruptcy conference has been dragging on for too long, and it is time for the bankruptcy bill Conferees to finish the handful of outstanding issues so this important conference report can be brought back to the House for approval.

In addition, however, I am aware of the immediate need for Congressional action with respect to Chapter 12 of the bankruptcy code relating to farm bankruptcies. This section has been expired since October of last year, and has negatively impacted many farmers and ranchers across the country. An expedient solution to this dilemma is required. I am also aware of the broad support in the House for a solution.

At this moment, we are working very hard in the conference on H.R. 2646 to find consensus on all outstanding issues, and I am hopeful that we can complete work on the farm bill.

Knowing Chairman SENSENBRENNER's concerns about section 1071 of the Senate amendment and recognizing that the bankruptcy conference could also be completed any day now, I am ready and willing to work with my good friend from Wisconsin to find a resolution to this issue in a manner that he would find acceptable.

Mr. HOLDEN. Mr. Speaker, I rise in support of this Motion to Instruct Conferees.

This instruction to accept the Senate language to make permanent Chapter 12 of the Bankruptcy Code, is not only a prudent measure of sound public policy, but it is also a reaffirmation of at least 4 separate votes we have cast in the 107th Congress to help out the family farmer.

That's right, 4 times in this Congress, we have voted to sustain the opportunity for family farmers who are down on their luck to reorganize and thus preserve their farms through a streamlined expedited bankruptcy process. In each of those 4 times, the vote was overwhelming.

In rollcall vote 17 on February 28, 2001, we voted 408–2 to pass H.R. 256, the Family Farmer Bankruptcy Relief Act. That bill, introduced by the gentleman from Michigan, Mr. SMITH, extended Chapter 12 through June 1, 2001.

The very next day, in rollcall vote 25, we voted 306–108 to pass H.R. 333, the Bankruptcy reform bill introduced by my friend from Pennsylvania, Mr. GEKAS. That bill included a permanent extension of Chapter 12.

Skip ahead to June 5, 2001. After having let Chapter 12 expire for 4 days, in rollcall vote 153, we voted 411–1 to extend the provision another few months through October 1, 2001.

Last July, the gentlewoman from Wisconsin, Ms. BALDWIN proposed a Motion to Instruct the Conferees of the bankruptcy bill to accept the Senate language making the Chapter 12 extension permanent. We passed that motion by voice vote.

Mr. Speaker, October 1, 2001 has come and gone, and the provision has expired yet again, leaving family farmers in the lurch yet again. Some of my friends on the other side have held efforts to extend Chapter 12 hostage in hopes of providing momentum for conference action on H.R. 333, the bankruptcy reform bill.

H.R. 333 is a good bill and a fair bill. I am proud to have voted for it and proud to be a cosponsor. But the bill remains stalled in conference, just like it did in the 106th Congress, and it doesn't seem likely it will conclude any time soon.

So, if you voted yes on any one of the 4 occasions I mentioned here—and I don't believe there is anyone among us who hasn't voted yes at least once—then there isn't any reason why you shouldn't support this motion to instruct.

We have a chance to make Chapter 12 of the bankruptcy code permanent.

Vote for this Motion to Instruct.

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

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Illinois (Mr. PHELPS).

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

Mr. PHELPS. 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.

The vote was taken by electronic device, and there were—yeas 424, nays 3, not voting 7, as follows:

[Roll No. 86]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne

Ose	Sanchez	Tauzin
Otter	Sanders	Taylor (MS)
Owens	Sandlin	Taylor (NC)
Oxley	Sawyer	Terry
Pallone	Saxton	Thomas
Pascrell	Schaffer	Thompson (CA)
Pastor	Schakowsky	Thompson (MS)
Payne	Schiff	Thornberry
Pelosi	Schrock	Thune
Pence	Scott	Thurman
Peterson (MN)	Sensenbrenner	Tiahrt
Peterson (PA)	Serrano	Tiberi
Petri	Sessions	Tierney
Phelps	Shadegg	Toomey
Pickering	Shaw	Towns
Pitts	Shays	Turner
Platts	Sherman	Udall (CO)
Pombo	Sherwood	Udall (NM)
Pomeroy	Shimkus	Upton
Portman	Shows	Velazquez
Price (NC)	Shuster	Visclosky
Putnam	Simmons	Vitter
Quinn	Simpson	Walden
Radanovich	Skeen	Walsh
Rahall	Skelton	Wamp
Ramstad	Slaughter	Waters
Rangel	Smith (MI)	Watkins (OK)
Regula	Smith (NJ)	Watson (CA)
Rehberg	Smith (TX)	Watt (NC)
Reyes	Smith (WA)	Watts (OK)
Reynolds	Snyder	Waxman
Riley	Solis	Weiner
Rivers	Souder	Weldon (FL)
Rodriguez	Spratt	Weldon (PA)
Roemer	Stark	Weller
Rogers (KY)	Stearns	Wexler
Rogers (MI)	Stenholm	Whitfield
Ros-Lehtinen	Strickland	Wicker
Ross	Stump	Wilson (NM)
Rothman	Stupak	Wilson (SC)
Roukema	Sullivan	Wolf
Roybal-Allard	Sununu	Woolsey
Royce	Sweeney	Wu
Rush	Tancredo	Wynn
Ryun (KS)	Tanner	Young (AK)
Sabo	Tauscher	Young (FL)

NAYS—3

Flake	Paul	Rohrabacher

NOT VOTING—7

Blagojevich	Levin	Traficant
Fattah	Pryce (OH)	
Gordon	Ryan (WI)	

□ 1444

Mr. FLAKE and Mr. PAUL changed their vote from ''yea'' to ''nay.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3694

Mr. HOYER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3694.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Maryland?

There was no objection.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader:

WASHINGTON, DC,
April 10, 2002.

The SPEAKER,
House of Representatives,
Washington, District of Columbia.

DEAR MR. SPEAKER: I designate the following Members to be available for service in accordance with the provisions of Clause 5(a)(4)(A) of Rule X of the Rules of the House of Representatives:

Mr. Lewis of Georgia.
Ms. Meek of Florida.
Mr. Tanner of Tennessee.

Sincerely,

RICHARD A. GEPHARDT,
Democratic Leader.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1445

ENTANGLING ALLIANCES

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, we were warned, and in the earlier years of our Republic, we heeded that warning. Today, though, we are entangled in everyone's affairs throughout the world and we are less safe as a result. The current Middle East crisis is one that we helped create, and it is typical of how foreign intervention fails to serve our interests. Now we find ourselves smack-dab in the middle of a fight that will not soon end. No matter what the outcome, we lose.

By trying to support both sides we, in the end, will alienate both sides. We are forced, by domestic politics here at home, to support Israel at all costs, with billions of dollars of aid, sophisticated weapons, and a guarantee that America will do whatever is necessary for Israel's security.

Political pressure compels us to support Israel, but it is oil that prompts us to guarantee security for the western puppet governments of the oil-rich Arab nations. Since the Israeli-Arab fight will not soon be resolved, our policy of involving ourselves in a conflict unrelated to our security guarantees that we will suffer the consequences. What a choice. We must choose between the character of Arafat versus that of Sharon.

The information the average American gets from the major media outlets, with their obvious bias, only makes the problem worse. Who would ever guess that the side that loses seven people to every one on the other side is portrayed as a sole aggressor and condemned as terrorists? We should remember that the Palestinian deaths are seen by most Arabs as being American-inspired, since our weapons are being used against them and they are the ones whose land has been continuously taken from them. Yet there are still some in this country who cannot understand why many in the Arab Muslim world hate America.

Is it any wonder that the grass-roots people in the Arab nations, even in Kuwait, threaten their own government that is totally dominated by American power and money?

The arguments against foreign intervention are many. The chaos in the current Middle East crisis should be evidence enough for all Americans to reconsider our extensive role overseas and reaffirm the foreign policy of our early leaders, a policy that kept us out of the affairs of others.

But here we are in the middle of a war that has no end and serves only to divide us here at home, while the unbalanced slaughter continues with tanks and aircraft, tearing up a country that does not even have an army. It is amazing that the clamor for support for Israel here at home comes from men of deep religious conviction in the Christian faith, who are convinced they are doing the Lord's work. That, quite frankly, is difficult for me as a Christian to comprehend.

And, we need to remember the young people who will be on the front lines when the big war starts, which is something so many in this body seems intent on provoking.

Ironically, the biggest frustration in Washington, for those who eagerly resort to war to resolve differences, is that the violence in the Middle East has delayed plans for starting another war against Iraq. Current policy prompts our government on one day to give the go-ahead to Sharon to do what he needs to do to combat terrorism, a term that now has little meaning. On the next day, however, our government tells him to quit, for fear that we may overly aggravate our oil pals in the Arab nations and jeopardize our oil supplies. This is an impossible policy that will inevitably lead to chaos.

Foreign interventionism is bad for America. Special interests control our policies, while true national security is ignored. Real defense needs, the defense of our borders, are ignored and the financial interests of corporations, bankers, and the military-industrial complex gain control, and the American people lose. It is costly, to say to least. Already, our military budget has sapped domestic spending and caused the deficit to explode. But the greatest danger is that one of these days, these contained conflicts will get out of control.

Certainly, the stage is set for that to happen in the Middle East and in south central Asia. A world war is a possibility that should not be ignored. Our policy of subsidizing both sides is ludicrous. We support Arabs and Jews, Pakistanis and Indians, Chinese and Russians. We have troops in 140 countries around the world just looking for trouble. Our policies have led us to support the al Qaeda in Kosovo and bomb