

Title II—Improved Bankruptcy Administration

§ 201. Improved Bankruptcy Statistics

The Bill would create a new 28 U.S.C. § 159 that would require the clerks of the various bankruptcy courts to compile statistics on bankruptcy cases involving individual debtors, and report these statistics annually to Congress.

§ 202. Audit Procedures

This section amends title 28 to delegate to the Attorney General the responsibility for establishing random audits of individual bankruptcy cases under title 11.

§ 203. Docket of Individuals Who File Under Title 11

This section amends title 28 to delegate to the Administrative Office of the Courts the responsibility for creating and maintaining a central docket of those who have filed for bankruptcy relief.

§ 204. Adequate Preparation Time for Creditors Before the First Meeting of Creditors in Individual Cases

This section amends the Bankruptcy Code to specify that in an individual voluntary case, the first meeting of creditors be convened between sixty (60) and ninety (90) days following the order for relief.

§ 205. Creditor Representation at First Meeting of Credits.

This section amends Code section 341(c) to provide that non-attorney representatives can attend and participate in the first meeting of creditors.

§ 206. Giving Creditors Fair Notice in Chapter 7 and Chapter 13 Cases.

This section provides that the debtor include in any notice to the creditor, the creditor's account number if it is reasonably available, and to send any notices to an address which the creditor has previously specified.

§ 207. Prompt Relief From Stay in Individual Cases.

This section amends Code section 362(e) to provide that unless the court finally decides the relief from stay request, the parties agree to take a longer time, or the court orders additional time, the stay shall automatically terminate sixty days after a request for relief from it is made.

§ 208. Relief From Stay When the Debtor Does Not Complete Intended Surrender of Consumer Debt Collateral.

This section amends section 362 to provide that if individual debtors do not file a timely statement of intention with respect to property securing the creditor's claim or to act in accordance with that statement of intention, a secured creditor may seek relief from the stay.

§ 209. Filing of Proofs of Claim.

In Chapter 11 cases, if a creditor is listed in the schedules, no proof of claim need to be filed unless it is listed as disputed, contingent or unliquidated. This provision extends this Chapter 11 provision to cases under Chapters 7 and 13.

§ 210. Debtor to Provide Tax Returns and Other Information.

This section amends Code section 521 to require that the debtor provide financial information about income and expenses, such as copies of its tax returns for the three most recent tax years, its current pay stubs, and other proof of income. Also, a conformed copy of the petition, schedules and statement of financial affairs and any corresponding amendments as well as of any Chapter 13 plan must be provided upon request.

§ 211. Dismissal for Failure to File Schedules Timely or Provide Required Information.

The Bill would amend Code section 707 to require the dismissal of the bankruptcy case

for failure to file schedules within 45 days after filing the petition.

§ 212. Adequate Protection of Lessors and Purchase Money Secured Creditors.

This section adds a new section 1307 to the Code to provide that adequate protection payments be made during the "gap" that occurs between the time the debtor files a Chapter 13 case and the stay goes into effect and the time the debtor resumes making payments under the plan.

§ 213. Adequate Time to Prepare for Hearing on Confirmation of the Plan.

The Bill amends Code section 1324 to require that a Chapter 13 confirmation hearing cannot be held less than twenty days after the first meeting of creditors if there is an objection.

REVOKE PAY ADJUSTMENT FOR MEMBERS OF CONGRESS

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. SANDLIN. Mr. Speaker, I rise today to introduce legislation to revoke the COLA for Members of Congress should it become law. The manner in which the COLA was approved by this body yesterday is appalling. Americans deserve to know if their Representative is voting to increase his or her pay. It should not be hidden in the parliamentary process. We must be honest enough with ourselves and with the American people to support openly or oppose openly this increase. My legislation will require us to make an honest, forthright statement about our pay.

I hope events of the next few days will render my legislation unnecessary. I hope that once Members have had an opportunity to discuss with their constituents yesterday's attempt to sneak in a pay raise they will join the efforts of Congresswoman LINDA SMITH, myself, and others and support an amendment to prevent Members of Congress from receiving a COLA. If such an amendment is ruled out of order, Members should support a motion to appeal the ruling of the chair. If our amendment prevails, and I sincerely hope it does, my legislation will not be necessary. However, I believe we must make every effort to overturn yesterday's action and for that reason, I am introducing this bill today.

As Members of Congress, I strongly believe that we should not talk about cutting important programs like Medicare and Social Security and then turn around and give ourselves a pay raise. During the appropriations process, we have forced many worthy programs to tighten their belts "for the good of the country" so we can meet our goal of a balanced budget by the year 2002. Why, then, not tighten our own belts?

As I have said on many other occasions, it is irresponsible for us to increase our own pay at a time when we have not met our obligation to the American people to balance the Federal budget. We cannot continue to tell our constituents to tighten their belts while we loosen our own. We must first make Medicare solvent. We must first fully fund our veterans' benefits. We must first ensure that every student has an opportunity for a college education. We must first rebuild our crumbling infrastructure. We must first eliminate the estate tax. We must first take care of the people.

I hope the leadership will see to it that this legislation receives a fair hearing and is brought to the floor with all due speed.

TRIBUTE TO MARK AND DIANE KROEKER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Mark and Diane Kroeker, who this year are being saluted by Bridge Focus, a social service agency in the San Fernando Valley. The Kroekers are receiving an award for being exemplary parents and for a long tradition of helping their community. I cannot think of two people who better fit this description than Mark and Diane.

I have had a warm personal and professional relationship with Mark for many years, particularly during the time he served as commander of the San Fernando Valley Bureau of the Los Angeles Police Department.

Like many others, I have tremendous respect and admiration for Mark's work. The LAPD could have not picked a more ideal representative in the valley. Mark was constantly looking for ways to improve relations between the Department and community. He spent hundreds of hours meeting with local leaders. It was a sad day for all of us when Mark was transferred to another bureau.

Mark's reputation for compassion and concern extends beyond the workplace. He is widely known as the founder and chairman of the board of the World Children's Transplant Fund. He rarely misses an opportunity to tell people of the organization and its wonderful work.

Mark and Diane are active supporters of the World Children's Transplant Fund, which in 1994 presented Mark with its Man of the Year Award. There are children around the world who literally owe their lives to Mark and Diane Kroeker.

I ask my colleagues to join me today in saluting Mark and Diane Kroeker, proud and loving parents of Kent, Kirk, and Katrina. Mark and Diane's dedication to their community and their love for the children of the world inspires us all.

SALUTE TO THE 50TH ANNIVERSARY OF THE AIR NATIONAL GUARD

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. GALLEGLY. Mr. Speaker, I would like to pay a special tribute to the 50th anniversary of the U.S. Air Force and the Air National Guard, especially the 146th Airlift Wing based in my California congressional district.

The 146th is California's largest Air National Guard unit and has been recognized by both the Air Force Association and the National Guard Association of the United States as the best flying unit in the Air National Guard. These prestigious awards have not come easily. During World War II, as part of the 115th