

resolution designating October 15, 1999, as "National Mammography Day."

AMENDMENT NO. 1658

At the request of Mr. HELMS the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of amendment No. 1658 proposed to H.R. 2084, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENTS SUBMITTED

BANKRUPTCY REFORM ACT OF 1999

BAUCUS AMENDMENT NO. 1681

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill (S. 625) to amend title 11, United States Code, and for other purposes; as follows:

Section 353(e)(2) of the Consolidated and Rural Development Act (7 U.S.C. 2001(e)(2)) is amended—

(1) by striking "Shared" and inserting the following:

"(A) IN GENERAL.—Shared"; and

(2) by adding at the end the following:

"(B) REPAYMENT OF RECAPTURE AMOUNT.—The borrower may repay the recapture amount to the Secretary over a period not to exceed 25 years at an interest rate equal to the applicable rate of interest of Federal borrowing, as determined by the Secretary."

KOHL AMENDMENTS NOS. 1682-1684

(Ordered to lie on the table.)

Mr. KOHL submitted three amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1682

At the appropriate place in title III, insert the following:

SEC. 3. LIMITATION.

Section 522 of title 11, United States Code, as amended by sections 224 and 307 of this Act, is amended—

(1) in subsection (b)(3)(A), by inserting "subject to subsection (n)," before "any property"; and

(2) by adding at the end the following:

"(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate \$100,000 in value in—

"(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

"(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

"(C) a burial plot for the debtor or a dependent of the debtor.

"(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(3)(A) by a family farmer for the principal residence of that farmer."

AMENDMENT NO. 1683

On page 96, strike all through page 97, line 11.

AMENDMENT NO. 1684

On page 97, strike all language from line 4, beginning with "if the debt," through line 9,

ending with "use of the debtor, or". Additionally, on page 97, line 10, strike the word "other".

LIEBERMAN (AND DODD)

AMENDMENT NO. 1685

(Ordered to lie on the table.)

Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC. —. INDIVIDUALS' RIGHT TO FREEDOM FROM RESTRAINT AND REPORTING OF SENTINEL EVENTS UNDER MEDICAL CARE.

(a) AMENDMENT TO SOCIAL SECURITY ACT.—

(1) IN GENERAL.—Part D of title XVIII of the Social Security Act (42 U.S.C. 1395x et seq.) is amended by adding at the end the following:

"INDIVIDUALS' FREEDOM FROM RESTRAINT AND REPORTING OF SENTINEL EVENTS

"SEC. 1897. (a) DEFINITIONS.—In this section:

"(1) CHEMICAL RESTRAINT.—The term 'chemical restraint' means the non-therapeutic use of a medication that—

"(A) is unrelated to the patient's medical condition; and

"(B) is imposed for disciplinary purposes or the convenience of staff.

"(2) PHYSICAL RESTRAINT.—The term 'physical restraint' means any mechanical or personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely. Such term does not include devices, such as orthopedically prescribed devices, surgical dressings or bandages, protective helmets, and other methods involving the physical holding of a resident for the purpose of conducting routine physical examinations or tests or to protect the patient from falling out of bed or to permit a patient to participate in activities without the risk of physical harm to the patient.

"(3) PROVIDER OF SERVICES.—The term 'provider of services' has the meaning given that term in section 1861(u), except that for purposes of this section the term includes a psychiatric hospital but does not include a home health agency or skilled nursing facility.

"(4) SECLUSION.—The term 'seclusion' means any separation of the resident from the general population of the facility that prevents the resident from returning to such population when he or she desires.

"(5) SENTINEL EVENT.—The term 'sentinel event' means an unexpected occurrence involving an individual in the care of a provider of services for treatment for a psychiatric or psychological illness that results in death or serious physical or psychological injury that is unrelated to the natural course of the individual's illness or underlying condition.

"(b) PROTECTION OF RIGHT TO BE FREE FROM RESTRAINTS.—A provider of services eligible to be paid under this title for providing services to an individual entitled to benefits under part A or enrolled under part B (including an individual provided with a Medicare+Choice plan offered by a Medicare+Choice organization under part C) shall—

"(1) protect and promote the right of each such individual to be free from physical or mental abuse, corporal punishment, and any physical or chemical restraints or involuntary seclusion imposed for purposes of discipline or convenience;

"(2) impose restraints—

"(A) only to ensure the physical safety of the individual or other individuals in the

care or custody of the provider, a staff member, or others; and

"(B) only upon the written order of a physician or other licensed independent practitioner permitted by the State and the facility to order such restraint or seclusion that specifies the duration and circumstances under which the restraints are to be used (except in emergency circumstances specified by the Secretary until such an order could reasonably be obtained); and

"(2) submit the reports required under subsection (d).

"(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the use of restraints for medical immobilization, adaptive support, or medical protection.

"(d) REPORTS.—

"(1) REPORTS TO AGENCIES OR ENTITIES WITH OVERSIGHT AUTHORITY.—

"(A) IN GENERAL.—A provider of services shall report each sentinel event that occurs to an individual while the individual is in the care or custody of the provider to—

"(i) in the case of a provider of services participating in the program established under this title or the medicaid program under title XIX as a result of accreditation by a national accrediting body, the national accrediting body for that provider; and

"(ii) in the case of all other providers of services, the Secretary or, upon agreement between the Secretary and the relevant State, the State agency designated by the Secretary.

"(B) INVESTIGATION AND FURTHER REPORTING OF SENTINEL EVENTS.—Upon receipt of a report made pursuant to subparagraph (A), the agency or entity with oversight authority shall—

"(i) ensure that the provider—

"(I) conducts an investigation of the sentinel event reported;

"(II) determines the root cause or causes of the sentinel event; and

"(III) establishes a time-limited plan or strategy, that allows the agency or entity with oversight authority to review and approve the analyses and any corrective actions proposed or made by the provider of services, to correct the problem or problems that resulted in the sentinel event, and to lead to risk reduction; and

"(ii) prepare and submit the reports required under paragraph (2).

"(2) REPORTS TO THE SECRETARY.—

"(A) IN GENERAL.—Subject to subparagraph (D), the agency or entity with oversight authority shall submit a report containing the information described in subparagraph (B) to the Secretary in such form and manner, and by such date, as the Secretary prescribes.

"(B) INFORMATION TO BE REPORTED.—

"(i) IN GENERAL.—The report submitted under subparagraph (A) shall be submitted to the Secretary at regular intervals, but not less frequently than annually, and shall include—

"(I) a description of the sentinel events occurring during the period covered by the report;

"(II) a description of any corrective action taken by the providers of services with respect to the sentinel events or any other measures necessary to prevent similar sentinel events from occurring in the future;

"(III) proposed systems changes identified as a result of analysis of events from multiple providers; and

"(IV) such additional information as the Secretary determines to be essential to ensure compliance with the requirements of this section.

"(ii) INFORMATION EXCLUDED.—The report submitted under subparagraph (A) shall not identify any individual provider of services, practitioner, or individual.

“(C) ADDITIONAL REPORTING REQUIREMENTS WHEN A PROVIDER HAS BEEN IDENTIFIED AS HAVING A PATTERN OF POOR PERFORMANCE.—

“(i) IN GENERAL.—In addition to the report required under subparagraph (A), the agency or entity with oversight authority shall report to the Secretary the name and address of any provider of services with a pattern of poor performance.

“(ii) DETERMINATION OF PATTERN.—The agency or entity with oversight authority shall determine if a pattern of poor performance exists with respect to a provider of services in accordance with the definition of pattern of poor performance developed by the Secretary under clause (iii).

“(iii) DEVELOPMENT OF DEFINITION.—The Secretary, in consultation with national accrediting organizations and others, shall develop a definition to identify a provider of services with a pattern of poor performance.

“(D) AUTHORITY TO WAIVE REPORTING REQUIREMENT.—The Secretary may waive the requirement to submit a report required under this paragraph (but not a report regarding a sentinel event that resulted in death required under paragraph (3)) upon consideration of the severity of the sentinel event.

“(3) ADDITIONAL REPORTING REQUIREMENTS FOR SENTINEL EVENTS RESULTING IN DEATH.—In addition to the report required under paragraph (1), a provider of services shall report any sentinel event resulting in death to—

“(A) the Secretary or the Secretary’s designee;

“(B) the State Attorney General or, upon agreement with the State Attorney General, to the appropriate law enforcement agency;

“(C) the State agency responsible for licensing the provider of services; and

“(D) the State protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) for the State in which the event occurred.

“(4) RESPONSIBILITIES OF THE AGENCY OR ENTITY WITH OVERSIGHT AUTHORITY.—Upon receipt of a report of a sentinel event that resulted in death, the agency or entity with oversight authority shall, in addition to the requirements of paragraph (2)—

“(A) determine whether the death was related to the use of restraints or seclusion; and

“(B) notify the Secretary of the determination.

“(5) SANCTIONS FOR FAILURE TO REPORT.—

“(A) IN GENERAL.—The Secretary shall establish sanctions, including intermediate sanctions, as appropriate, for failure of a provider of services or an agency or entity with oversight authority to submit the reports and information required under this subsection.

“(B) REMOVAL OF AGENCY OR ENTITY WITH OVERSIGHT AUTHORITY.—The Secretary, after notice to an agency or entity with oversight authority of a provider of services, as determined in paragraph (1), and opportunity to comply, may remove the agency or entity of such authority if the agency or entity refuses to submit the reports and information required under this subsection.

“(6) LIABILITY FOR REPORTING.—An individual, provider of services, agency, or entity shall be liable with respect to any information contained in a report required under this subsection if the individual, provider of services, agency, or entity had knowledge of the falsity of the information contained in the report at the time the report was submitted under this subsection. Nothing in the preceding sentence shall be construed as limiting the liability of an individual, provider of services, agency, or entity for damages re-

lating to the occurrence of a sentinel event, including a sentinel event that results in death.

“(7) NONDISCLOSURE OF ANALYSIS.—Notwithstanding any other provision of law or regulation, the root cause analysis developed under this subsection shall be kept confidential and shall not be subject to disclosure or discovery in a civil action.

“(d) ESTABLISHMENT OR DESIGNATION OF SENTINEL EVENTS DATABASE.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish or designate a database of information using the reports submitted under paragraphs (2) and (3) of subsection (d) (in this subsection referred to as the ‘Sentinel Events Database’).

“(2) CONTENTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Sentinel Events Database shall include the following:

“(i) The name and address of any provider of services that is the subject of a report submitted under subsection (d)(3), if the agency or entity with oversight authority has determined that the death was related to the use of restraints or seclusion.

“(ii) The information reported by the agency or entity under subparagraphs (B) and (C) of subsection (d)(2).

“(B) CONFIDENTIALITY.—The Secretary shall establish procedures to ensure that the privacy of individuals whose treatment is the subject of a report submitted under paragraph (2) or (3) of subsection (d) is protected.

“(3) PROCEDURES FOR ENTRY OF INFORMATION.—

“(A) IN GENERAL.—The Secretary shall—

“(i) prior to entry of information in the Sentinel Events Database, disclose the information to the provider of services that is the subject of the information; and

“(ii) establish procedures to—

“(I) resolve disputes regarding the accuracy of the information; and

“(II) ensure the accuracy of the information.

“(B) NO DELAY OF SANCTIONS.—Any sanction to be imposed by the Secretary against a provider of services or an agency or entity with oversight authority in relation to a sentinel event shall not be delayed as a result of a dispute regarding the accuracy of information to be entered into the database.

“(4) ACCESS TO THE DATABASE.—

“(A) AVAILABILITY.—The Secretary shall establish procedures for making the information maintained in the Sentinel Events Database related to a sentinel event resulting in death, and any reports of sentinel injuries arising from those providers of services with a pattern of poor performance identified in accordance with subsection (d)(2)(C), available to Federal and State agencies, national accrediting bodies, health care researchers, and the public.

“(B) INTERNET ACCESS.—In addition to any other procedures that the Secretary develops under subparagraph (A), the information in the Sentinel Events Database shall be accessible through the Internet.

“(C) FEES FOR DISCLOSURE.—

“(i) IN GENERAL.—Subject to clause (ii), the Secretary may establish or approve reasonable fees for disclosing information maintained in the Sentinel Events Database.

“(ii) NO FEE FOR FEDERAL AGENCIES.—No fee shall be charged to a Federal agency for access to the Sentinel Events Database.

“(iii) APPLICATION OF FEES.—Fees collected under this clause shall be applied by the Secretary toward the cost of maintaining the Sentinel Events Database.”

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this sub-

section take effect on the date of enactment of this Act.

(B) REPORTING REQUIREMENTS.—The reporting requirements under section 1897(d) of the Social Security Act, as added by paragraph (1), shall apply to sentinel events occurring on and after the date of enactment of this Act.

(b) INDIVIDUALS’ RIGHT TO FREEDOM FROM RESTRAINT AND REPORTING OF SENTINEL EVENTS UNDER MEDICAID.—

(1) STATE PLANS FOR MEDICAL ASSISTANCE.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (65), by striking the period and inserting “; and”; and

(B) by adding at the end the following:

“(66) provide that the State will ensure that any congregate care provider (as defined in section 1905(v)) that provides services to an individual for which medical assistance is available shall—

“(A) protect and promote the right of each individual to be free from physical or mental abuse, corporal punishment, involuntary seclusion, and any physical or chemical restraints imposed for purposes of discipline or convenience;

“(B) impose restraints only—

“(i) to ensure the physical safety of the individual or other individuals; and

“(ii) upon the written order of a physician that specifies the duration and circumstances under which the restraints are to be used (except in emergency circumstances specified by the Secretary until such an order could reasonably be obtained); and

“(C) submit the reports required under subsection (d) of section 1897 (relating to sentinel events) in the same manner as a provider of services under that section is required to submit such reports.”

(2) DEFINITION OF CONGREGATE CARE PROVIDER.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following:

“(v) The term ‘congregate care provider’ means an entity that provides hospital services, hospice care, residential treatment centers for children, services in an institution for mental diseases, inpatient psychiatric hospital services for individuals under age 21, or congregate care services under a waiver authorized under section 1915(c).”

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection take effect on the date of enactment of this Act.

(B) REPORTING REQUIREMENTS.—The reporting requirements under section 1902(a)(66)(C) of the Social Security Act (42 U.S.C. 1396a(a)(66)(C)), as added by paragraph (1), shall apply to sentinel events occurring on and after the date of enactment of this Act.

FEINGOLD AMENDMENTS NOS.

1686-1688

(Ordered to lie on the table.)

Mr. FEINGOLD submitted three amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT No. 1686

At the end of title X, insert the following:
SEC. ____ PROHIBITION OF RETROACTIVE ASSESSMENT OF DISPOSABLE INCOME.

(a) IN GENERAL.—Section 1225(b) of title 11, United States Code, is amended by adding at the end the following:

“(3) If the plan provides for specific amounts of property to be distributed on account of allowed unsecured claims as required by paragraph (1)(B), those amounts

equal or exceed the debtor's projected disposable income for that period, and the plan meets the requirements for confirmation other than those of this subsection, the plan shall be confirmed."

(b) MODIFICATION.—Section 1229 of title 11, United States Code, is amended by adding at the end the following:

"(d)(1) A modification of the plan under this section may not increase the amount of payments that were due prior to the date of the order modifying the plan.

"(2) A modification of the plan under this section to increase payments based on an increase in the debtor's disposable income may not require payments to unsecured creditors in any particular month greater than the debtor's disposable income for that month unless the debtor proposes such a modification.

"(3) A modification of the plan in the last year of the plan shall not require payments that would leave the debtor with insufficient funds to carry on the farming operation after the plan is completed unless the debtor proposes such a modification."

AMENDMENT NO. 1687

At the appropriate place in the bill, insert the following:

SEC. ____ DEFINITION OF FAMILY FARMER.

Section 101(18) of title 11, United States Code, is amended—

- (1) in subparagraph (A) by—
 - (A) striking "\$1,500,000" and inserting "\$3,000,000"; and
 - (B) striking "80" and inserting "50"; and
- (2) in subparagraph (B)(ii) by—
 - (A) striking "\$1,500,000" and inserting "\$3,000,000"; and
 - (B) striking "80" and inserting "50".

AMENDMENT NO. 1688

On page 7, line 15, strike "(ii)" and insert "(ii)(I)".

On page 7, between lines 21 and 22, insert the following:

"(II) In addition, the debtor's monthly expenses may include, if applicable, the continuation of actual expenses paid by the debtor for care and support of a household member or member of the debtor's immediate family (including parents, grandparents, and siblings of the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case) who is not a dependent.

DODD AMENDMENT NO. 1689

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC. ____ PROTECTION OF TUITION AND EDUCATION SAVINGS IN BANKRUPTCY.

(a) IN GENERAL.—Section 522 of title 11, United States Code, as amended by section 308 of this Act, is amended by adding at the end the following:

"(o)(1) Notwithstanding section 541 of this title or any other provision of this section, an individual debtor may exempt from property of the estate the debtor's aggregate interest in funds (including any amount earned on the funds) to the extent that—

"(A) the funds are in a qualified tuition program described in section 529(b) of the Internal Revenue Code of 1986 or an education individual retirement account as defined in section 530(b)(1) of such Code;

"(B) the amount the debtor contributed to the program or account for each designated beneficiary, as defined in section 529(e)(i) of

such Code, does not exceed the lesser of the maximum total contribution permitted under section 529(b)(7) of such Code by the State specified in subsection (b)(2)(A) of this section; and

"(C) a contribution that the debtor made within 1 year before the date of the filing of the petition did not exceed 15 percent of the debtor's gross annual income for the year in which the contribution was made and was consistent with the practices of the debtor in making such contributions.

"(2) Subsection (1) of this section applies to any exemption claimed under this subsection.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 104(b) of title 11, United States Code, is amended by inserting '522(o),' after '522(d),' each place it appears."

DODD (AND KENNEDY)
AMENDMENT NO. 1690

(Ordered to lie on the table.)

Mr. DODD (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC. ____ EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

(a) IN GENERAL.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

"(5) APPLICATIONS FROM UNDERAGE CONSUMERS.—

"(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end credit plan established on behalf of, a consumer who has not attained the age of 21 unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

"(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by an individual who has not attained the age of 21 as of the date of submission of the application shall require—

"(i) the signature of the parent, legal guardian, or spouse of the consumer, or any other individual having a means to repay debts incurred by the consumer in connection with the account, indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has attained the age of 21; or

"(ii) submission by the consumer of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account."

(b) REGULATORY AUTHORITY.—The Board of Governors of the Federal Reserve System may issue such rules or publish such model forms as it considers necessary to carry out section 127(c)(5) of the Truth in Lending Act, as amended by this section.

DODD AMENDMENT NO. 1691

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC. ____ CONSUMER CREDIT.

(a) ENHANCED DISCLOSURES UNDER AN OPEN END CONSUMER CREDIT PLAN.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(11)(A) Repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

"(i) the required minimum monthly payment on that balance, represented as both a dollar figure and as a percentage of that balance;

"(ii) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments and if no further advances are made;

"(iii) the total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made; and

"(iv) the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 36 months if no further advances are made.

"(B)(i) Subject to clause (ii), in making the disclosures under subparagraph (A) the creditor shall apply the interest rate in effect on the date on which the disclosure is made until the date on which the balance would be paid in full.

"(ii) If the interest rate in effect on the date on which the disclosure is made is a temporary rate that will change under a contractual provision applying an index or formula for subsequent interest rate adjustment, the creditor shall apply the interest rate in effect on the date on which the disclosure is made for as long as that interest rate will apply under that contractual provision, and then apply an interest rate based on the index or formula in effect on the applicable billing date."

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: "In connection with the disclosures referred to in subsections (a) and (b) of section 127, a creditor shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 125, 127(a), or paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 127(b), or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 111(a)(2) as any of the terms or items referred to in section 127(a), or paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 127(b)."

DODD (AND LANDRIEU)
AMENDMENT NO. 1692

(Ordered to lie on the table.)

Mr. DODD (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by them to the bill S. 625, supra; as follows:

On page 7, line 15, strike "(ii)" and insert "(ii)(I)".

On page 7, between lines 21 and 22, insert the following:

"(II) The expenses referred to in subclause (I) shall include—

"(aa) taxes and mandatory withholdings from wages;

"(bb) health care;

"(cc) alimony, child, and spousal support payments;

"(dd) expenses associated with the adoption of a child, including travel expenses, relocation expenses, and medical expenses;

"(ee) legal fees necessary for the debtor's case;

“(ff) child care and the care of elderly or disabled family members;

“(gg) reasonable insurance expenses and pension payments;

“(hh) religious and charitable contributions;

“(ii) educational expenses not to exceed \$10,000 per household;

“(jj) union dues;

“(kk) other expenses necessary for the operation of a business of the debtor or for the debtor’s employment;

“(ll) utility expenses and home maintenance expenses for a debtor that owns a home;

“(mm) ownership costs for a motor vehicle, determined in accordance with Internal Revenue Service transportation standards, reduced by any payments on debts secured by the motor vehicle or vehicle lease payments made by the debtor;

“(nn) expenses for children’s toys and recreation for children of the debtor;

“(oo) tax credits for earned income determined under section 32 of the Internal Revenue Code of 1986; and

“(pp) miscellaneous and emergency expenses.

On page 83, between lines 4 and 5, insert the following:

SEC. 225. TREATMENT OF TAX REFUNDS AND DOMESTIC SUPPORT OBLIGATIONS.

(a) PROPERTY OF THE ESTATE.—Section 541 of title 11, United States Code, is amended—

(1) in subsection (a)(5)(B) by inserting “except as provided under subsection (b)(7),” before “as a result”; and

(2) in subsection (b)—

(A) in paragraph (4), by striking “or” at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by inserting after paragraph (5) the following:

“(6) any—

“(A) refund of tax due to the debtor under subtitle A of the Internal Revenue Code of 1986 for any taxable year to the extent that the refund does not exceed the amount of an applicable earned income tax credit allowed under section 32 of such Code for such year; and

“(B) advance payment of an earned income tax credit under section 3507 of the Internal Revenue Code of 1986;

“(7) the right of the debtor to receive alimony, support, or separate maintenance for the debtor or dependent of the debtor;

“(8) refund of a tax due to the debtor under a State earned income tax credit; or

“(9) advance payment of a State earned income tax credit.”

(b) PROTECTION OF EARNED INCOME TAX CREDIT AND SUPPORT PAYMENTS UNDER BANKRUPTCY REPAYMENT PLANS IN CHAPTER 12.—Section 1225(b)(2) of title 11, United States Code, as amended by section 218 of this Act, is amended—

(1) by inserting “(A)” before “For purposes”;

(2) by striking “(A) for the maintenance” and inserting “(i) for the maintenance”;

(3) by striking “(B) if the debtor” and inserting “(ii) if the debtor”; and

(4) by adding at the end the following:

“(B) In determining disposable income the court shall not consider amounts the debtor receives or is entitled to receive from—

“(i) any refund of tax due to the debtor under subtitle A of the Internal Revenue Code of 1986 for any taxable year to the extent that the refund does not exceed the amount of an applicable earned income tax credit allowed by section 32 of the Internal Revenue Code of 1986 for such year;

“(ii) any advance payment for an earned income tax credit described in clause (i); or

“(iii) child support, foster care, or disability payment for the care of a dependent child in accordance with applicable nonbankruptcy law.”

(c) PROTECTION OF EARNED INCOME TAX CREDIT AND SUPPORT PAYMENTS UNDER BANKRUPTCY REPAYMENT PLANS IN CHAPTER 13.—Section 1325(b)(2) of title 11, United States Code, as amended by section 218 of this Act, is amended—

(1) by inserting “(A)” before “For purposes”;

(2) by striking “(A) for the maintenance” and inserting “(i) for the maintenance”;

(3) by striking “(B) if the debtor” and inserting “(ii) if the debtor”; and

(4) by adding at the end the following:

“(B) In determining disposable income the court shall not consider amounts the debtor receives or is entitled to receive from—

“(i) any refund of tax due to the debtor under subtitle A of the Internal Revenue Code of 1986 for any taxable year to the extent that the refund does not exceed the amount of an applicable earned income tax credit allowed by section 32 of the Internal Revenue Code of 1986 for such year;

“(ii) any advance payment for an earned income tax credit described in clause (i); or

“(iii) child support, foster care, or disability payment for the care of a dependent child in accordance with applicable nonbankruptcy law.”

(d) EXEMPTIONS.—Section 522(d) of title 11, United States Code, as amended by section 224 of this Act, is amended in paragraph (10)—

(1) in subparagraph (C), by adding “or” after the semicolon;

(2) by striking subparagraph (D); and

(3) by striking “(E)” and inserting “(D)”.

On page 92, line 5, strike “personal property” and insert “an item of personal property purchased for more than \$3,000”.

On page 93, line 19, strike “property” and insert “an item of personal property purchased for more than \$3,000”.

On page 97, line 10, strike “if” and insert “to the extent that”.

On page 97, line 10, after “incurred” insert “to purchase that thing of value”.

On page 98, line 1, strike “(27A)” and insert “(27B)”.

On page 107, line 9, strike “and aggregating more than \$250” and insert “for \$400 or more per item or service”.

On page 107, line 11, strike “90” and insert “70”.

On page 107, line 13, after “dischargeable” insert the following: “if the creditor proves by a preponderance of the evidence at a hearing that the goods or services were not reasonably necessary for the maintenance or support of the debtor”.

On page 107, line 15, strike “\$750” and insert “\$1,075”.

On page 107, line 17, strike “70” and insert “60”.

Beginning on page 109, strike line 21 and all that follows through page 111, line 15, and insert the following:

SEC. 314. HOUSEHOLD GOOD DEFINED.

Section 101 of title 11, United States Code, as amended by section 106(c) of this Act, is amended by inserting before paragraph (27B) the following:

“(27A) ‘household goods’—

“(A) includes tangible personal property normally found in or around a residence; and

“(B) does not include motor vehicles used for transportation purposes.”

On page 112, line 6, strike “(except that,” and all that follows through “debts)” on line 13.

On page 112, strike lines 19 and 20.

On page 112, line 21, strike “(3)” and insert “(2)”.

On page 112, line 24, strike “(4)” and insert “(3)”.

On page 113, between lines 3 and 4, insert the following:

(c) EXCEPTIONS TO DISCHARGE.—Section 523 of title 11, United States Code, is amended—

(1) in subsection (c), by inserting “(14A),” after “(6),” each place it appears; and

(2) in subsection (d), by striking “(a)(2)” and inserting “(a) (2) or (14A)”.

On page 263, line 8, insert “as amended by section 322 of this Act,” after “United States Code,”.

On page 263, line 11, strike “(4)” and insert “(5)”.

On page 263, line 12, strike “(5)” and insert “(6)”.

On page 263, line 13, strike “(6)” and insert “(7)”.

On page 263, line 14, strike “(4)” and insert “(5)”.

On page 263, line 16, strike “(5)” and insert “(6)”.

MURRAY AMENDMENT NO. 1693

(Ordered to lie on the table)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 625, supra; as follows:

At the appropriate place, add the following:

TITLE —TIME FOR SCHOOLS ACT OF 1999

SEC. 1. SHORT TITLE.

This title may be cited as the “Time for Schools Act of 1999”.

SEC. 2. GENERAL REQUIREMENTS FOR LEAVE.

(a) ENTITLEMENT TO LEAVE.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

“(3) ENTITLEMENT TO SCHOOL INVOLVEMENT LEAVE.—

“(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 24 hours of leave during any 12-month period to participate in an academic activity of a school of a son or daughter of the employee, such as a parent-teacher conference or an interview for a school, or to participate in literacy training under a family literacy program.

“(B) DEFINITIONS.—In this paragraph:

“(i) FAMILY LITERACY PROGRAM.—The term ‘family literacy program’ means a program of services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

“(I) Interactive literacy activities between parents and their sons and daughters.

“(II) Training for parents on how to be the primary teacher for their sons and daughters and full partners in the education of their sons and daughters.

“(III) Parent literacy training.

“(IV) An age-appropriate education program for sons and daughters.

“(ii) LITERACY.—The term ‘literacy’, used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary—

“(I) to function on the job, in the family of the individual, and in society;

“(II) to achieve the goals of the individual; and

“(III) to develop the knowledge potential of the individual.

“(iii) SCHOOL.—The term ‘school’ means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program

assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility operated by a provider who meets the applicable State or local government licensing, certification, approval, or registration requirements, if any.

“(4) LIMITATION.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.”

(b) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: “Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.”

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting before the period the following: “, or for leave provided under subsection (a)(3) for any part of the 24-hour period of such leave under such subsection”.

(d) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

“(3) NOTICE FOR SCHOOL INVOLVEMENT LEAVE.—In any case in which the necessity for leave under subsection (a)(3) is foreseeable, the employee shall provide the employer with not less than 7 days’ notice, before the date the leave is to begin, of the employee’s intention to take leave under such subsection. If the necessity for the leave is not foreseeable, the employee shall provide such notice as is practicable.”

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

“(f) CERTIFICATION FOR SCHOOL INVOLVEMENT LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.”

SEC. 3. SCHOOL INVOLVEMENT LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

“(3)(A) Subject to section 6383(f), an employee shall be entitled to a total of 24 hours of leave during any 12-month period to participate in an academic activity of a school of a son or daughter of the employee, such as a parent-teacher conference or an interview for a school, or to participate in literacy training under a family literacy program.

“(B) In this paragraph:

“(i) The term ‘family literacy program’ means a program of services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

“(I) Interactive literacy activities between parents and their sons and daughters.

“(II) Training for parents on how to be the primary teacher for their sons and daughters and full partners in the education of their sons and daughters.

“(III) Parent literacy training.

“(IV) An age-appropriate education program for sons and daughters.

“(ii) The term ‘literacy’, used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary—

“(I) to function on the job, in the family of the individual, and in society;

“(II) to achieve the goals of the individual; and

“(III) to develop the knowledge potential of the individual.

“(iii) The term ‘school’ means an elementary school or secondary school (as such terms are defined in section 14101 of the Ele-

mentary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility operated by a provider who meets the applicable State or local government licensing, certification, approval, or registration requirements, if any.

“(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.”

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: “Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.”

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting before “, except” the following: “, or for leave provided under subsection (a)(3) any of the employee’s accrued or accumulated annual leave under subchapter I for any part of the 24-hour period of such leave under such subsection”.

(d) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

“(3) In any case in which the necessity for leave under subsection (a)(3) is foreseeable, the employee shall provide the employing agency with not less than 7 days’ notice, before the date the leave is to begin, of the employee’s intention to take leave under such subsection. If the necessity for the leave is not foreseeable, the employee shall provide such notice as is practicable.”

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

“(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.”

SEC. 4. EFFECTIVE DATE.

This title takes effect 120 days after the date of enactment of this Act.

SARBANES AMENDMENT NO. 1694

(Ordered to lie on the table)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC. 3. CONSUMER CREDIT.

(a) ENHANCED DISCLOSURES UNDER AN OPEN END CONSUMER CREDIT PLAN.—

(1) REPAYMENT TERMS.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

“(11)(A) Repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

“(i) the required minimum monthly payment on that balance, represented as both a dollar figure and as a percentage of that balance;

“(ii) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments and if no further advances are made;

“(iii) the total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made; and

“(iv) the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 36 months if no further advances are made.

“(B)(i) Subject to clause (ii), in making the disclosures under subparagraph (A) the creditor shall apply the interest rate in effect on the date on which the disclosure is made until the date on which the balance would be paid in full.

“(ii) If the interest rate in effect on the date on which the disclosure is made is a temporary rate that will change under a contractual provision applying an index or formula for subsequent interest rate adjustment, the creditor shall apply the interest rate in effect on the date on which the disclosure is made for as long as that interest rate will apply under that contractual provision, and then apply an interest rate based on the index or formula in effect on the applicable billing date.”

(2) PUBLICATION OF MODEL FORMS.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish model disclosure forms in accordance with section 105 of the Truth in Lending Act for the purpose of compliance with section 127(b)(11) of the Truth in Lending Act, as added by this subsection.

(b) CREDIT CARD SECURITY INTERESTS UNDER AN OPEN END CONSUMER CREDIT PLAN.—

(1) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(h) SECURITY INTERESTS CREATED UNDER AN OPEN END CONSUMER CREDIT PLAN.—During the period of an open end consumer credit plan, if the creditor of that plan obtains a security interest in personal property purchased using that credit plan, the creditor shall provide to the consumer, at the time of purchase, a written statement setting forth in a clear, conspicuous, and easy to read format the following information:

“(1) The property in which the creditor will receive a security interest.

“(2) The nature of the security interest taken.

“(3) The method or methods of enforcement of that security interest available to the creditor in the event of nonpayment of the plan balance.

“(4) The method in which payments made on the credit plan balance will be credited against the security interest taken on the property.

“(5) The following statement: ‘This property is subject to a security agreement. You must not dispose of the property purchased in any way, including by gift, until the balance on this account is fully paid.’”

(2) PUBLICATION OF MODEL FORMS.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish model disclosure forms in accordance with section 105 of the Truth in Lending Act for the purpose of compliance with section 127(h) of the Truth in Lending Act, as added by this subsection.

(c) STATISTICS REPORTED TO BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM AND TO CONGRESS.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(i) REPORTS TO THE BOARD AND TO CONGRESS.—

“(1) REPORTS TO THE BOARD.—Any creditor making advances under an open end credit plan shall, using model forms developed and published by the Board, annually submit to the Board a report, which shall include—

“(A) the total number of open end credit plan solicitations made to consumers;

“(B) the total amount of credit (in dollars) offered to consumers;

“(C) a statement of the average interest rates offered to all borrowers in each of the previous 2 years;

“(D) the total amount of credit granted and the average interest rate granted to persons under the age of 25; and

“(E) the total amount of debt written off voluntarily and due to a bankruptcy discharge in each of the 2 years preceding the date on which the report is submitted.

“(2) REPORTS TO CONGRESS.—The Board shall annually compile the information collected under paragraph (1) and submit to the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Banking and Financial Services of the House of Representatives, a report, which shall include—

“(A) aggregate data described subparagraphs (A) through (E) of paragraph (1) for all creditors; and

“(B) individual data described in paragraph (1)(A) for each of the top 50 creditors.”.

(d) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: “In connection with the disclosures referred to in subsections (a), (b), and (h) of section 127, a creditor shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 125, 127(a), paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 127(b), or section 127(h), or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 111(a)(2) as any of the terms or items referred to in section 127(a), paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 127(b), or section 127(h).”.

(e) TREATMENT UNDER BANKRUPTCY LAW.—

(1) EXCEPTIONS TO DISCHARGE.—Section 523(a) of title 11, United States Code, is amended by adding at the end the following: “The exception under subparagraphs (A) and (C) of paragraph (2) shall not apply to any claim made by a creditor who has failed to make the disclosures required under section 127(h) of the Truth in Lending Act in connection with such claim, unless a creditor required to make such disclosures files with the court, within 90 days of the date of order for relief, a proof of claim accompanied by a copy of such disclosures that is signed and dated by the debtor.”.

(2) REAFFIRMATION.—Section 524(c) of title 11, United States Code, is amended—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(7) in a case concerning a creditor obligated to make the disclosures required under section 127(h) of the Truth in Lending Act, the agreement contains a copy of such disclosures that is signed and dated by the debtor.”.

FEINSTEIN (AND BIDEN) AMENDMENT NO. 1695

(Ordered to lie on the table)

Mrs. FEINSTEIN (for herself and Mr. BIDEN) submitted an amendment intended to be proposed by them to the bill S. 625, supra; as follows:

On page 124, between lines 14 and 15, insert the following:

SEC. 322. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) For a case commenced—

“(A) under chapter 7 of title 11, \$160; or

“(B) under chapter 13 of title 11, \$150.”.

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

“(1)(A) 46.88 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

“(B) 73.33 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;”;

(2) in paragraph (2) by striking “one-half” and inserting “three-fourths”; and

(3) in paragraph (4) by striking “one-half” and inserting “100 percent”.

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking “pursuant to 28 U.S.C. section 1930(b) and 30.76 per centum of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931” and inserting “under section 1930(b) of title 28, United States Code, and 25 percent of the fees collected under section 1930(a)(1)(A) of that title, 26.67 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title”.

FEINSTEIN AMENDMENT NO. 1696

(Ordered to lie on the table)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC. __. ISSUANCE OF CREDIT CARDS TO UNDERAGE CONSUMERS.

(a) APPLICATIONS BY UNDERAGE CONSUMERS.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (7); and

(2) by inserting after paragraph (4) the following:

“(5) APPLICATIONS FROM UNDERAGE OBLIGORS.—

“(A) PROHIBITION ON ISSUANCE.—Except in response to a written request or application to the card issuer that meets the requirements of subparagraph (B), a card issuer may not—

“(i) issue a credit card account under an open end consumer credit plan to, or establish such an account on behalf of, an obligor who has not attained the age of 21; or

“(ii) increase the amount of credit authorized to be extended under such an account to an obligor described in clause (i).

“(B) APPLICATION REQUIREMENTS.—A written request or application to open a credit card account under an open end consumer credit plan, or to increase the amount of credit authorized to be extended under such an account, submitted by an obligor who has not attained the age of 21 as of the date of such submission, shall require—

“(i) submission by the obligor of information regarding any other credit card account under an open end consumer credit plan issued to, or established on behalf of, the obligor (other than an account established in response to a written request or application that meets the requirements of clause (ii) or

(iii), indicating that the proposed extension of credit under the account for which the written request or application is submitted would not thereby increase the total amount of credit extended to the obligor under any such account to an amount in excess of \$1,500 (which amount shall be adjusted annually by the Board to account for any increase in the Consumer Price Index);

“(ii) the signature of a parent or guardian of that obligor indicating joint liability for debts incurred in connection with the account before the obligor attains the age of 21; or

“(iii) submission by the obligor of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.

“(C) NOTIFICATION.—A card issuer of a credit card account under an open end consumer credit plan shall notify any obligor who has not attained the age of 21 that the obligor is not eligible for an extension of credit in connection with the account unless the requirements of this paragraph are met.

“(D) LIMIT ON ENFORCEMENT.—A card issuer may not collect or otherwise enforce a debt arising from a credit card account under an open end consumer credit plan if the obligor had not attained the age of 21 at the time the debt was incurred, unless the requirements of this paragraph have been met with respect to that obligor.

“(6) PARENTAL APPROVAL REQUIRED TO INCREASE CREDIT LINES FOR ACCOUNTS FOR WHICH PARENT IS JOINTLY LIABLE.—In addition to the requirements of paragraph (5), no increase may be made in the amount of credit authorized to be extended under a credit card account under an open end credit plan for which a parent or guardian of the obligor has joint liability for debts incurred in connection with the account before the obligor attains the age of 21, unless the parent or guardian of the obligor approves, in writing, and assumes joint liability for, such increase.”.

(b) REGULATORY AUTHORITY.—The Board of Governors of the Federal Reserve System may issue such rules or publish such model forms as it considers necessary to carry out paragraphs (5) and (6) of section 127(c) of the Truth in Lending Act, as amended by this section.

(c) EFFECTIVE DATE.—Paragraphs (5) and (6) of section 127(c) of the Truth in Lending Act, as amended by this section, shall apply to the issuance of credit card accounts under open end consumer credit plans, and the increase of the amount of credit authorized to be extended thereunder, as described in those paragraphs, on and after the date of enactment of this Act.

REID AMENDMENT NO. 1697

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill S. 625, supra; as follows:

At the appropriate place, insert the following:

SECTION 1. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.

Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended in the second sentence by striking “180” and inserting “30”.

WELLSTONE (AND MURRAY) AMENDMENTS NOS. 1698-1699

(Ordered to lie on the table.)

Mr. WELLSTONE (for himself and Mrs. MURRAY) submitted two amendments intended to be proposed by them to the bill, S. 625, *supra*; as follows:

AMENDMENT NO. 1698

At the end, add the following:

TITLE —EMPLOYMENT PROTECTION FOR BATTERED WOMEN

SEC. 1. SHORT TITLE AND REFERENCE.

(a) **SHORT TITLE.**—This title may be cited as the “Battered Women’s Employment Protection Act”.

(b) **REFERENCE.**—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

SEC. 2. PURPOSES.

The purposes of this title are, pursuant to the affirmative power of Congress to enact legislation under section 5 of the 14th amendment to the Constitution, as well as under the portions of section 8 of article I of the Constitution relating to providing for the general welfare and to regulation of commerce among the several States—

(1) to promote the national interest in reducing domestic violence by enabling victims of domestic violence to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic violence, and to reduce the devastating economic consequences of domestic violence to employers and employees, by—

(A) providing unemployment insurance for victims of domestic violence who are forced to leave their employment as a result of domestic violence; and

(B) entitling employed victims of domestic violence to take reasonable leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) to seek medical help, legal assistance, counseling, and safety planning and assistance without penalty from their employers;

(2) to promote the purposes of the 14th amendment by protecting the civil and economic rights of victims of domestic violence and by furthering the equal opportunity of women for employment and economic self-sufficiency;

(3) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, health care costs, and employer costs, caused by domestic violence; and

(4) to accomplish the purposes described in paragraphs (1), (2), and (3) in a manner that accommodates the legitimate interests of employers.

SEC. 3. UNEMPLOYMENT COMPENSATION.

(a) **UNEMPLOYMENT COMPENSATION.**—Section 3304 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a)—

(A) by striking “and” at the end of paragraph (18);

(B) by striking the period at the end of paragraph (19) and inserting “; and”; and

(C) by inserting after paragraph (19) the following:

“(20) compensation is to be provided where an individual is separated from employment due to circumstances directly resulting from the individual’s experience of domestic violence.”; and

(2) by adding at the end the following:

“(g) **CONSTRUCTION.**—

“(1) **IN GENERAL.**—For purposes of subsection (a)(20), an employee’s separation from employment shall be treated as due to circumstances directly resulting from the in-

dividual’s experience of domestic violence if the separation resulted from—

“(A) the employee’s reasonable fear of future domestic violence at or en route to or from the employee’s place of employment;

“(B) the employee’s wish to relocate to another geographic area in order to avoid future domestic violence against the employee or the employee’s family;

“(C) the employee’s need to recover from traumatic stress resulting from the employee’s experience of domestic violence;

“(D) the employer’s denial of the employee’s request for the temporary leave from employment authorized by section 102 of the Family and Medical Leave Act of 1993 to address domestic violence and its effects; or

“(E) any other circumstance in which domestic violence causes the employee to reasonably believe that termination of employment is necessary for the future safety of the employee or the employee’s family.

“(2) **REASONABLE EFFORTS TO RETAIN EMPLOYMENT.**—For purposes of subsection (a)(20), if State law requires the employee to have made reasonable efforts to retain employment as a condition for receiving unemployment compensation, such requirement shall be met if the employee—

“(A) sought protection from, or assistance in responding to, domestic violence, including calling the police or seeking legal, social work, medical, clerical, or other assistance;

“(B) sought safety, including refuge in a shelter or temporary or permanent relocation, whether or not the employee actually obtained such refuge or accomplished such relocation; or

“(C) reasonably believed that options such as taking a leave of absence, transferring jobs, or receiving an alternative work schedule would not be sufficient to guarantee the employee or the employee’s family’s safety.

“(3) **ACTIVE SEARCH FOR EMPLOYMENT.**—For purposes of subsection (a)(20), if State law requires the employee to actively search for employment after separation from employment as a condition for receiving unemployment compensation, such requirement shall be treated as met where the employee is temporarily unable to actively search for employment because the employee is engaged in seeking safety for the employee or the employee’s family, or relief for the employee, from domestic violence, including—

“(A) going into hiding or relocating or attempting to do so, including activities associated with such hiding or relocation, such as seeking to obtain sufficient shelter, food, schooling for children, or other necessities of life for the employee or the employee’s family;

“(B) actively pursuing legal protection or remedies, including meeting with the police, going to court to make inquiries or file papers, meeting with attorneys, or attending court proceedings; or

“(C) participating in psychological, social, or religious counseling or support activities to assist the employee in coping with domestic violence.

“(4) **PROVISION OF INFORMATION TO MEET CERTAIN REQUIREMENTS.**—In determining if an employee meets the requirements of paragraphs (1), (2), and (3), the unemployment agency of the State in which an employee is requesting unemployment compensation by reason of subsection (a)(20) may require the employee to provide—

“(A) a written statement describing the domestic violence and its effects;

“(B) documentation of the domestic violence, such as a police or court record, or documentation from a shelter worker, an employee of a domestic violence program, an attorney, a member of the clergy, or a medical or other professional, from whom the employee has sought assistance in address-

ing domestic violence and its effects, as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611); or

“(C) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances that provide the basis for the claim of domestic violence, or physical evidence of domestic violence, such as a photograph, torn or bloody clothing, or any other damaged property.

All evidence of domestic violence experienced by an employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an employee has applied for or inquired about unemployment compensation available by reason of subsection (a)(20) shall be retained in the strictest confidence by such State unemployment agency, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of protecting the safety of the employee or a family member of the employee or of assisting in documenting domestic violence for a court or agency.”.

(b) **SOCIAL SECURITY PERSONNEL TRAINING.**—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively, and by inserting after paragraph (3) the following:

“(4) Such methods of administration as will ensure that claims reviewers and hearing personnel are adequately trained in the nature and dynamics of domestic violence and in methods of ascertaining and keeping confidential information about possible experiences of domestic violence, so that employee separations stemming from domestic violence are reliably screened, identified, and adjudicated, and full confidentiality is provided for the employee’s claim and submitted evidence; and”.

(c) **DEFINITIONS.**—Section 3306 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(u) **DOMESTIC VIOLENCE.**—The term ‘domestic violence’ includes acts or threats of violence, or acts of extreme cruelty (as such term is referred to in section 216 of the Immigration and Nationality Act (8 U.S.C. 1186a)), not including acts of self-defense, committed by—

“(1) a current or former spouse of the victim;

“(2) a person with whom the victim shares a child in common;

“(3) a person who is cohabiting with or has cohabited with the victim;

“(4) a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim;

“(5) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction; or

“(6) any other person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.”.

SEC. 4. ENTITLEMENT TO LEAVE FOR ADDRESSING DOMESTIC VIOLENCE FOR NON-FEDERAL EMPLOYEES.

(a) **DEFINITIONS.**—Section 101 (29 U.S.C. 2611) is amended by adding at the end the following:

“(14) **ADDRESSING DOMESTIC VIOLENCE AND ITS EFFECTS.**—The term ‘addressing domestic violence and its effects’ means—

“(A) being unable to attend or perform work due to an incident of domestic violence;

“(B) seeking medical attention for or recovering from injuries caused by domestic violence;

“(C) seeking legal assistance or remedies, including communicating with the police or an attorney, or participating in any legal proceeding, related to domestic violence;

“(D) obtaining services from a domestic violence shelter or program or rape crisis center as a result of domestic violence;

“(E) obtaining psychological counseling related to experiences of domestic violence;

“(F) participating in safety planning and other actions to increase safety from future domestic violence, including temporary or permanent relocation; and

“(G) participating in any other activity necessitated by domestic violence that must be undertaken during the hours of employment involved.

“(15) DOMESTIC VIOLENCE.—The term ‘domestic violence’ has the meaning given the term in section 3306 of the Internal Revenue Code of 1986.”

(b) LEAVE REQUIREMENT.—Section 102 (29 U.S.C. 2612) is amended—

(1) in subsection (a)(1), by adding at the end the following:

“(E) In order to care for the son, daughter, or parent of the employee, if such son, daughter, or parent is addressing domestic violence and its effects.

“(F) Because the employee is addressing domestic violence and its effects, which make the employee unable to perform the functions of the position of such employee.”;

(2) in subsection (b), by adding at the end the following:

“(3) DOMESTIC VIOLENCE.—Leave under subparagraph (E) or (F) of subsection (a) may be taken by an eligible employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.”; and

(3) in subsection (d)(2)(B), by striking “(C) or (D)” and inserting “(C), (D), (E), or (F)”.

(c) CERTIFICATION.—Section 103 (29 U.S.C. 2613) is amended—

(1) in the title of the section, by inserting before the period the following: “; confidentiality”; and

(2) by adding at the end the following:

“(f) DOMESTIC VIOLENCE.—In determining if an employee meets the requirements of subparagraph (E) or (F) of section 102(a)(1), the employer of an employee may require the employee to provide—

“(1) a written statement describing the domestic violence and its effects;

“(2) documentation of the domestic violence involved, such as a police or court record, or documentation from a shelter worker, an employee of a domestic violence program, an attorney, a member of the clergy, or a medical or other professional, from whom the employee has sought assistance in addressing domestic violence and its effects; or

“(3) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances that provide the basis for the claim of domestic violence, or physical evidence of domestic violence, such as a photograph, torn or bloody clothing, or any other damaged property.

“(g) CONFIDENTIALITY.—All evidence provided to the employer under subsection (f) of domestic violence experienced by an employee or the son, daughter, or parent of an employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing, or caring for a son, daughter, or parent who is addressing, domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of—

“(1) protecting the safety of the employee or a family member or co-worker of the employee; or

“(2) assisting in documenting domestic violence for a court or agency.”.

SEC. 5. ENTITLEMENT TO LEAVE FOR ADDRESSING DOMESTIC VIOLENCE FOR FEDERAL EMPLOYEES.

(a) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(1) at the end of paragraph (5), by striking “and”;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(7) the term ‘addressing domestic violence and its effects’ has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611); and

“(8) the term ‘domestic violence’ has the meaning given the term in section 3006 of the Internal Revenue Code of 1986.”.

(b) LEAVE REQUIREMENT.—Section 6382 of title 5, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following:

“(E) In order to care for the son, daughter, or parent of the employee, if such son, daughter, or parent is addressing domestic violence and its effects.

“(F) Because the employee is addressing domestic violence and its effects, which make the employee unable to perform the functions of the position of such employee.”;

(2) in subsection (b), by adding at the end the following:

“(3) DOMESTIC VIOLENCE.—Leave under subparagraph (E) or (F) of subsection (a) may be taken by an employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.”; and

(3) in subsection (d), by striking “(C), or (D)” and inserting “(C), (D), (E), or (F)”.

(c) CERTIFICATION.—Section 6383 of title 5, United States Code, is amended—

(1) in the title of the section, by adding at the end the following: “; confidentiality”; and

(2) by adding at the end the following:

“(f) In determining if an employee meets the requirements of subparagraph (E) or (F) of section 6382(a)(1), the employing agency of an employee may require the employee to provide—

“(1) a written statement describing the domestic violence and its effects;

“(2) documentation of the domestic violence involved, such as a police or court record, or documentation from a shelter worker, an employee of a domestic violence program, an attorney, a member of the clergy, or a medical or other professional, from whom the employee has sought assistance in addressing domestic violence and its effects; or

“(3) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances that provide the basis for the claim of domestic violence, or physical evidence of domestic violence, such as a photograph, torn or bloody clothing, or other damaged property.

(g) All evidence provided to the employing agency under subsection (f) of domestic violence experienced by an employee or the son, daughter, or parent of an employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing, or caring for a son, daughter, or parent who is addressing, domestic violence and its effects, shall be retained in the strictest con-

fidence by the employing agency, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of—

“(1) protecting the safety of the employee or a family member or co-worker of the employee; or

“(2) assisting in documenting domestic violence for a court or agency.”.

SEC. 6. EXISTING LEAVE USABLE FOR DOMESTIC VIOLENCE.

(a) DEFINITIONS.—In this section:

(1) ADDRESSING DOMESTIC VIOLENCE AND ITS EFFECTS.—The term “addressing domestic violence and its effects” has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611), as amended in section 4(a).

(2) EMPLOYEE.—The term “employee” means any person employed by an employer. In the case of an individual employed by a public agency, such term means an individual employed as described in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(3) EMPLOYER.—The term “employer”—

(A) means any person engaged in commerce or in any industry or activity affecting commerce who employs individuals, if such person is also subject to the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) or to any provision of a State or local law, collective bargaining agreement, or employment benefits program or plan, addressing paid or unpaid leave from employment (including family, medical, sick, annual, personal, or similar leave); and

(B) includes any person acting directly or indirectly in the interest of an employer in relation to any employee, and includes a public agency, who is subject to a law, agreement, program, or plan described in subparagraph (A), but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization.

(4) EMPLOYMENT BENEFITS.—The term “employment benefits” has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(5) PARENT; SON OR DAUGHTER.—The terms “parent” and “son or daughter” have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(6) PUBLIC AGENCY.—The term “public agency” has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(b) USE OF EXISTING LEAVE.—An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment, pursuant to State or local law, a collective bargaining agreement, or an employment benefits program or plan, shall be permitted to use such leave for the purpose of addressing domestic violence and its effects, or for the purpose of caring for a son or daughter or parent of the employee, if such son or daughter or parent is addressing domestic violence and its effects.

(c) CERTIFICATION.—In determining whether an employee qualifies to use leave as described in subsection (b), an employer may require a written statement, documentation of domestic violence, or corroborating evidence consistent with section 103(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613(f)), as amended by section 4(c).

(d) CONFIDENTIALITY.—All evidence provided to the employer under subsection (c) of domestic violence experienced by an employee or the son or daughter or parent of the employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an

employee has requested leave for the purpose of addressing, or caring for a son or daughter or parent who is addressing, domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of—

(1) protecting the safety of the employee or a family member or co-worker of the employee; or

(2) assisting in documenting domestic violence for a court or agency.

(e) PROHIBITED ACTS.—

(1) INTERFERENCE WITH RIGHTS.—

(A) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this section.

(B) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against an individual for opposing any practice made unlawful by this section.

(2) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual—

(A) has filed any charge, or had instituted or caused to be instituted any proceeding, under or related to this section;

(B) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this section; or

(C) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this section.

(f) ENFORCEMENT.—

(1) PUBLIC ENFORCEMENT.—The Secretary of Labor shall have the powers set forth in subsections (b), (c), (d), and (e) of section 107 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617) for the purpose of public agency enforcement of any alleged violation of subsection (e) against any employer.

(2) PRIVATE ENFORCEMENT.—The remedies and procedures set forth in section 107(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617(a)) shall be the remedies and procedures pursuant to which an employee may initiate a legal action against an employer for alleged violations of subsection (e).

(3) REFERENCES.—For purposes of paragraph (1) and (2), references in section 107 of the Family and Medical Leave Act of 1993 to section 105 of such Act shall be considered to be references to subsection (e).

(4) EMPLOYER LIABILITY UNDER OTHER LAWS.—Nothing in this section shall be construed to limit the liability of an employer to an employee for harm suffered relating to the employee's experience of domestic violence pursuant to any other Federal or State law, including a law providing for a legal remedy.

SEC. 7. EFFECT ON OTHER LAWS AND EMPLOYMENT BENEFITS.

(a) MORE PROTECTIVE LAWS, AGREEMENTS, PROGRAMS, AND PLANS.—Nothing in this title or the amendments made by this title shall be construed to supersede any provision of any Federal, State, or local law, collective bargaining agreement, or other employment benefits program or plan that provides greater unemployment compensation or leave benefits for employed victims of domestic violence than the rights established under this title or such amendments.

(b) LESS PROTECTIVE LAWS, AGREEMENTS, PROGRAMS, AND PLANS.—The rights established for employees under this title or the amendments made by this title shall not be diminished by any State or local law, collective bargaining agreement, or employment benefits program or plan.

SEC. 8. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in subsection (b), this title and the amendments made by this title take effect 180 days after the date of enactment of this Act.

(b) UNEMPLOYMENT COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by section 3 shall apply in the case of compensation paid for weeks beginning on or after the expiration of 180 days from the date of enactment of this Act.

(2) MEETING OF STATE LEGISLATURE.—

(A) IN GENERAL.—If the Secretary of Labor identifies a State as requiring a change to its statutes or regulations in order to comply with the amendments made by section 3, the amendments made by section 3 shall apply in the case of compensation paid for weeks beginning after the earlier of—

(i) the date the State changes its statutes or regulations in order to comply with the amendments made by section 3; or

(ii) the end of the first session of the State legislature which begins after the date of enactment of this Act or which began prior to such date and remained in session for at least 25 calendar days after such date;

except that in no case shall the amendments made by this title apply before the date that is 180 days after the date of enactment of this Act.

(B) SESSION DEFINED.—In this paragraph, the term "session" means a regular, special, budget, or other session of a State legislature.

AMENDMENT NO. 1699

At the appropriate place, insert the following:

TITLE —VICTIMS OF ABUSE INSURANCE PROTECTION

SEC. 01. SHORT TITLE.

This title may be cited as the "Victims of Abuse Insurance Protection Act".

SEC. 02. DEFINITIONS.

In this title:

(1) ABUSE.—The term "abuse" means the occurrence of 1 or more of the following acts by a current or former household or family member, intimate partner, or caretaker:

(A) Attempting to cause or causing another person bodily injury, physical harm, substantial emotional distress, psychological trauma, rape, sexual assault, or involuntary sexual intercourse.

(B) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority and under circumstances that place the person in reasonable fear of bodily injury or physical harm.

(C) Subjecting another person to false imprisonment or kidnapping.

(D) Attempting to cause or causing damage to property so as to intimidate or attempt to control the behavior of another person.

(2) HEALTH CARRIER.—The term "health carrier" means a person that contracts or offers to contract on a risk-assuming basis to provide, deliver, arrange for, pay for or reimburse any of the cost of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation or any other entity providing a plan of health insurance, health benefits or health services.

(3) INSURED.—The term "insured" means a party named on a policy, certificate, or health benefit plan, including an individual, corporation, partnership, association, unincorporated organization or any similar entity, as the person with legal rights to the benefits provided by the policy, certificate, or health benefit plan. For group insurance,

such term includes a person who is a beneficiary covered by a group policy, certificate, or health benefit plan. For life insurance, the term refers to the person whose life is covered under an insurance policy.

(4) INSURER.—The term "insurer" means any person, reciprocal exchange, inter insurer, Lloyds insurer, fraternal benefit society, or other legal entity engaged in the business of insurance, including agents, brokers, adjusters, and third party administrators. The term also includes health carriers, health benefit plans, and life, disability, and property and casualty insurers.

(5) POLICY.—The term "policy" means a contract of insurance, certificate, indemnity, suretyship, or annuity issued, proposed for issuance or intended for issuance by an insurer, including endorsements or riders to an insurance policy or contract.

(6) SUBJECT OF ABUSE.—The term "subject of abuse" means—

(A) a person against whom an act of abuse has been directed;

(B) a person who has prior or current injuries, illnesses, or disorders that resulted from abuse; or

(C) a person who seeks, may have sought, or had reason to seek medical or psychological treatment for abuse, protection, court-ordered protection, or shelter from abuse.

SEC. 03. DISCRIMINATORY ACTS PROHIBITED.

(a) IN GENERAL.—No insurer may, directly or indirectly, engage in any of the following acts or practices on the basis that the applicant or insured, or any person employed by the applicant or insured or with whom the applicant or insured is known to have a relationship or association, is, has been, or may be the subject of abuse or has incurred or may incur abuse-related claims:

(1) Denying, refusing to issue, renew or re-issue, or canceling or otherwise terminating an insurance policy or health benefit plan.

(2) Restricting, excluding, or limiting insurance coverage for losses or denying a claim, except as otherwise permitted or required by State laws relating to life insurance beneficiaries.

(3) Adding a premium differential to any insurance policy or health benefit plan.

(b) PROHIBITION ON LIMITATION ON CLAIMS.—No insurer may, directly or indirectly, deny or limit payment of a claim incurred by an innocent insured as a result of abuse.

(c) PROHIBITION ON TERMINATION.—

(1) IN GENERAL.—No insurer or health carrier may terminate health coverage for a subject of abuse because coverage was originally issued in the name of the abuser and the abuser has divorced, separated from, or lost custody of the subject of abuse or the abuser's coverage has terminated voluntarily or involuntarily and the subject of abuse does not qualify for an extension of coverage under part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or section 4980B of the Internal Revenue Code of 1986.

(2) PAYMENT OF PREMIUMS.—Nothing in paragraph (1) shall be construed to prohibit the insurer from requiring that the subject of abuse pay the full premium for the subject's coverage under the health plan if the requirements are applied to all insured of the health carrier.

(3) EXCEPTION.—An insurer may terminate group coverage to which this subsection applies after the continuation coverage period required by this subsection has been in force for 18 months if it offers conversion to an equivalent individual plan.

(4) CONTINUATION COVERAGE.—The continuation of health coverage required by this subsection shall be satisfied by any extension of coverage under part 6 of subtitle B of

title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or section 4980B of the Internal Revenue Code of 1986 provided to a subject of abuse and is not intended to be in addition to any extension of coverage otherwise provided for under such part 6 or section 4980B.

(d) USE OF INFORMATION.—

(1) LIMITATION.—

(A) IN GENERAL.—In order to protect the safety and privacy of subjects of abuse, no person employed by or contracting with an insurer or health benefit plan may—

(i) use, disclose, or transfer information relating to abuse status, acts of abuse, abuse-related medical conditions or the applicant's or insured's status as a family member, employer, or associate, person in a relationship with a subject of abuse for any purpose unrelated to the direct provision of health care services unless such use, disclosure, or transfer is required by an order of an entity with authority to regulate insurance or an order of a court of competent jurisdiction; or

(ii) disclose or transfer information relating to an applicant's or insured's location or telephone number or the location and telephone number of a shelter for subjects of abuse, unless such disclosure or transfer—

(I) is required in order to provide insurance coverage; and

(II) does not have the potential to endanger the safety of a subject of abuse.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit or preclude a subject of abuse from obtaining the subject's own insurance records from an insurer.

(2) AUTHORITY OF SUBJECT OF ABUSE.—A subject of abuse, at the absolute discretion of the subject of abuse, may provide evidence of abuse to an insurer for the limited purpose of facilitating treatment of an abuse-related condition or demonstrating that a condition is abuse-related. Nothing in this paragraph shall be construed as authorizing an insurer or health carrier to disregard such provided evidence.

SEC. ___04. INSURANCE PROTOCOLS FOR SUBJECTS OF ABUSE.

Insurers shall develop and adhere to written policies specifying procedures to be followed by employees, contractors, producers, agents and brokers for the purpose of protecting the safety and privacy of a subject of abuse and otherwise implementing this title when taking an application, investigating a claim, or taking any other action relating to a policy or claim involving a subject of abuse.

SEC. ___05. REASONS FOR ADVERSE ACTIONS.

An insurer that takes an action that adversely affects a subject of abuse, shall advise the subject of abuse applicant or insured of the specific reasons for the action in writing. For purposes of this section, reference to general underwriting practices or guidelines shall not constitute a specific reason.

SEC. ___06. LIFE INSURANCE.

Nothing in this title shall be construed to prohibit a life insurer from declining to issue a life insurance policy if the applicant or prospective owner of the policy is or would be designated as a beneficiary of the policy, and if—

(1) the applicant or prospective owner of the policy lacks an insurable interest in the insured; or

(2) the applicant or prospective owner of the policy is known, on the basis of police or court records, to have committed an act of abuse against the proposed insured.

SEC. ___07. SUBROGATION WITHOUT CONSENT PROHIBITED.

Subrogation of claims resulting from abuse is prohibited without the informed consent of the subject of abuse.

SEC. ___08. ENFORCEMENT.

(a) FEDERAL TRADE COMMISSION.—

(1) IN GENERAL.—The Federal Trade Commission shall have the power to examine and investigate any insurer to determine whether such insurer has been or is engaged in any act or practice prohibited by this title.

(2) CEASE AND DESIST ORDERS.—If the Federal Trade Commission determines an insurer has been or is engaged in any act or practice prohibited by this title, the Commission may take action against such insurer by the issuance of a cease and desist order as if the insurer was in violation of section 5 of the Federal Trade Commission Act. Such cease and desist order may include any individual relief warranted under the circumstances, including temporary, preliminary, and permanent injunctive and compensatory relief.

(b) PRIVATE CAUSE OF ACTION.—

(1) IN GENERAL.—An applicant or insured who believes that the applicant or insured has been adversely affected by an act or practice of an insurer in violation of this title may maintain an action against the insurer in a Federal or State court of original jurisdiction.

(2) RELIEF.—Upon proof of such conduct by a preponderance of the evidence in an action described in paragraph (1), the court may award appropriate relief, including temporary, preliminary, and permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for the aggrieved individual's attorneys and expert witnesses.

(3) STATUTORY DAMAGES.—With respect to compensatory damages in an action described in paragraph (1), the aggrieved individual may elect, at any time prior to the rendering of final judgment, to recover in lieu of actual damages, an award of statutory damages in the amount of \$5,000 for each violation.

SEC. ___09. EFFECTIVE DATE.

This title shall apply with respect to any action taken on or after the date of enactment of this Act, except that section ___04 shall only apply to actions taken after the expiration of 60 days after such date of enactment.

**WELLSTONE AMENDMENTS NOS.
1700-1703**

(Ordered to lie on the table.)

Mr. WELLSTONE submitted four amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT No. 1700

At the appropriate place, insert the following:

SEC. ___ EVALUATION OF OUTCOME OF WELFARE REFORM AND FORMULA FOR BONUSES TO HIGH PERFORMANCE STATES.

(a) ADDITIONAL MEASURES OF STATE PERFORMANCE.—Section 403(a)(4)(C) of the Social Security Act (42 U.S.C. 603(a)(4)(C)) is amended—

(1) by striking "Not later" and inserting the following:

"(i) IN GENERAL.—Not later";

(2) by inserting "The formula shall provide for the awarding of grants under this paragraph based on criteria contained in clause (ii) and in accordance with clauses (iii) and (iv)." after the period; and

(3) by adding at the end the following:

"(ii) FORMULA CRITERIA.—The grants awarded under this paragraph shall be based on the following:

"(I) EMPLOYMENT-RELATED MEASURES.—Employment-related measures, including

work force entries, job retention, increases in earnings of recipients of assistance under the State program funded under this title, and measures of utilization of resources available under welfare-to-work grants under paragraph (5) and title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including the implementation of programs (as defined in subclause (VII)(bb)) to increase the number of individuals training for, and placed in, nontraditional employment.

"(II) MEASURES OF CHANGES IN INCOME OR NUMBER OF CHILDREN BELOW HALF OF POVERTY.—Measures of changes in income of a longitudinal sample of current recipients of assistance under the State program funded under this title (or of changes in the proportion of children in families with income below ½ of the poverty line), including earnings and the value of benefits received under that State program and food stamps.

"(III) FOOD STAMPS MEASURES.—The change since 1995 in the proportion of children in working poor families that receive food stamps to the total number of children in the State (or, if possible, to the estimated number of children in working families with incomes low enough to be eligible for food stamps).

"(IV) MEDICAID AND SCHIP MEASURES.—The percentage of members of families who are former recipients of assistance under the State program funded under this title (who have ceased to receive such assistance for approximately 6 months) who currently receive medical assistance under the State plan approved under title XIX or the child health assistance under title XXI.

"(V) CHILD CARE MEASURES.—In the case of a State that pays child care rates that are equal to at least the 75th percentile of market rates, based on a market rate survey that is not more than 2 years old, measures of the State's success in providing child care, as measured by the percentage of children in families with incomes below 85 percent of the State's median income who receive subsidized child care in the State, and by the amount of the State's expenditures on child care subsidies divided by the estimated number of children younger than 13 in families with incomes below 85 percent of the State's median income.

"(VI) MEASURES OF ADDRESSING DOMESTIC VIOLENCE.—In the case of a State that has adopted the option under the State plan relating to domestic violence set forth in section 402(a)(7) and that reports the proportion of eligible recipients of assistance under this title who disclose their status as domestic violence victims or survivors, measures of the State's success in addressing domestic violence as a barrier to economic self-sufficiency, as measured by the proportion of such recipients who are referred to and receive services under a service plan developed by an individual trained in domestic violence pursuant to section 260.55(c) of title 45 of the Code of Federal Regulations.

"(VII) DEFINITIONS.—In this clause:

"(aa) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given the term 'battered or subjected to extreme cruelty' in section 408(a)(7)(C)(iii).

"(bb) IMPLEMENTATION OF PROGRAMS.—The term 'implementation of programs' means activities conducted pursuant to section 134(a)(3)(A)(vi)(II) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(3)(A)(vi)(II)), placement of recipients in nontraditional employment, as reported to the Department of Labor pursuant to section 185(d)(1)(C) of such Act (29 U.S.C. 2935(d)(1)(C)), and the performance of the

State on other measures such as the provision of education, training, and career development assistance for nontraditional employment developed pursuant to section 136(b)(2) of such Act (29 U.S.C. 2871(b)(2)).

“(cc) NONTRADITIONAL EMPLOYMENT.—The term ‘nontraditional employment’ means occupations or fields of work, including careers in computer science, technology, and other emerging high skill occupations, for which individuals from 1 gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

“(dd) WORKING POOR FAMILIES.—The term ‘working poor families’ means families that receive earnings at least equal to a comparable amount that would be received by an individual working a half-time position for minimum wage.

“(iii) EMPLOYMENT, EARNING, AND INCOME RELATED MEASURES.—\$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on the measures of employment, earnings, and income described in subclauses (I), (II), and (V) of clause (ii), including scores for the criteria described in those items.

“(iv) MEASURES OF SUPPORT FOR WORKING FAMILIES.—\$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on measures of support for working families, including scores for the criteria described in subclauses (III), (IV) and (VI) of clause (ii).

“(v) LIMITATION OF APPLYING FOR ONLY 1 BONUS.—To qualify under any one of the employment, earnings, food stamp, or health coverage criteria described in subclauses (I), (II), (III), or (IV) of clause (ii), a State must submit the data required to compete for all of the criteria described in those subclauses.

(b) DATA COLLECTION AND REPORTING.—Section 411(a) of the Social Security Act (42 U.S.C. 611(a)) is amended by adding at the end the following:

“(8) REPORT ON OUTCOME OF WELFARE REFORM FOR STATES NOT PARTICIPATING IN BONUS GRANTS UNDER SECTION 403(a)(4).—

“(A) IN GENERAL.—In the case of a State which does not participate in the procedure for awarding grants under section 403(a)(4) pursuant to regulations prescribed by the Secretary, the report required by paragraph (1) for a fiscal quarter shall include data regarding the characteristics and well-being of former recipients of assistance under the State program funded under this title for an appropriate period of time after such recipient has ceased receiving such assistance.

“(B) CONTENTS.—The data required under subparagraph (A) shall consist of information regarding former recipients, including—

“(i) employment status;

“(ii) job retention;

“(iii) changes in income or resources;

“(iv) poverty status, including the number of children in families of such former recipients with income below ½ of the poverty line;

“(v) receipt of food stamps, medical assistance under the State plan approved under title XIX or child health assistance under title XXI, or subsidized child care;

“(vi) accessibility of child care and child care cost;

“(vii) the percentage of families in poverty receiving child care subsidies;

“(viii) measures of hardship, including lack of medical insurance and difficulty purchasing food; and

“(ix) the availability of the option under the State plan in section 402(a)(7) (relating to domestic violence) and the difficulty accessing services for victims of domestic violence.

“(C) SAMPLING.—A State may comply with this paragraph by using a scientifically acceptable sampling method approved by the Secretary.

“(D) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to ensure that—

“(i) data reported under this paragraph is in such a form as to promote comparison of data among States;

“(ii) a State reports, for each measure, changes in data over time and comparisons in data between such former recipients and comparable groups of current recipients; and

“(iii) a State that is already conducting a scientifically acceptable study of former recipients that provides sufficient data required under subparagraph (A) may use the results of such study to satisfy the requirements of this paragraph.”

(c) REPORT OF CURRENTLY COLLECTED DATA.—

(1) IN GENERAL.—Not later than July 1, 2000, and annually thereafter, the Secretary of Health and Human Services shall transmit to Congress a report regarding characteristics of former and current recipients of assistance under the State program funded under this part, based on information currently being received from States.

(2) CHARACTERISTICS.—For purposes of paragraph (1), the characteristics shall include earnings, employment, and, to the extent possible, income (including earnings, the value of benefits received under the State program funded under this title, and food stamps), the ratio of income to poverty, receipt of food stamps, and other family resources.

(3) BASIS OF REPORT.—The report under paragraph (1) shall be based on longitudinal data of employer reported earnings for a sample of States, which represents at least 80 percent of the population of the United States, including separate data for each of fiscal years 1997 through 2000 regarding—

(A) a sample of former recipients;

(B) a sample of current recipients; and

(C) a sample of food stamp recipients.

(d) REPORT ON DEVELOPMENT OF MEASURES.—Not later than July 1, 2000, the Secretary of Health and Human Services shall transmit to Congress—

(1) a report regarding the development of measures required under subclauses (II) and (V) of section 403(a)(4)(C)(ii) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)), as added by this Act, regarding subsidized child care and changes in income; and

(2) a report, prepared in consultation with domestic violence organizations, regarding the domestic violence criteria required under subclause (VI) of such section.

(e) EFFECTIVE DATES.—

(1) ADDITIONAL MEASURES OF STATE PERFORMANCE.—The amendments made by subsection (a) apply to each of fiscal years 2001 through 2003, except that the income change (or extreme child poverty) criteria and the child care criteria described in subclauses (II) and (V) of section 403(a)(4)(C)(ii) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)) shall apply to each of fiscal years 2002 and 2003.

(2) DATA COLLECTION AND REPORTING.—The amendment made by subsection (b) shall apply to reports submitted in fiscal years beginning with fiscal year 2001.

AMENDMENT NO. 1701

At appropriate place, insert the following:

SEC. ____ DISALLOWANCE OF CERTAIN CLAIMS; PROHIBITION OF COERCIVE DEBT COLLECTION PRACTICES.

(a) IN GENERAL.—Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by adding at the end of the following:

“(10) such claim arises from a transaction—

“(A) that is—

“(i) a consumer credit transaction;

“(ii) a transaction, for a fee—

“(I) in which the deposit of a personal check is deferred; or

“(II) that consists of a credit and a right to a future debit to a personal deposit account; or

“(iii) a transaction secured by a motor vehicle or the title to a motor vehicle; and

“(B) in which the annual percentage rate (as determined in accordance with section 107 of the Truth in Lending Act) exceeds 100 percent.”

(b) UNFAIR DEBT COLLECTION PRACTICES.—(1) IN GENERAL.—Section 808 of the Fair Debt Collection Practices Act (15 U.S.C. 1692f) is amended—

(A) in the first sentence, by striking “A debt collector” and inserting the following:

“(a) IN GENERAL.—A debt collector”; and

(B) by adding at the end of the following:

“(b) COERCIVE DEBT COLLECTION PRACTICES.—

“(1) IN GENERAL.—It shall be unlawful for any person (including a debt collector or a creditor) who, for a fee, defers deposit of a personal check or who makes a loan in exchange for a personal check or electronic access to a personal deposit account, to—

“(A) threaten to use or use the criminal justice process to collect on the personal check or on the loan;

“(B) threaten to use or use any process to seek a civil penalty if the personal check is returned for insufficient funds; or

“(C) threaten to use or use any civil process to collect on the personal check or the loan that is not generally available to creditors to collect on loans in default.

“(2) CIVIL LIABILITY.—Any person who violates this section shall be liable to the same extent and in the same manner as a debt collector is liable under section 813 for failure to comply with a provision of this title.”

(2) CONFORMING AMENDMENT.—Section 803(6) of the Fair Debt Collection Practices Act (15 U.S.C. 1692a(6)) is amended by striking “808(6)” and inserting “808(a)(6)”.

AMENDMENT NO. 1702

At appropriate place, insert the following:

SEC. ____ LOW-COST BASIC BANKING ACCOUNT.

(a) IN GENERAL.—Each insured depository institution that offers retail depository services to the public and has total aggregate assets of not less than \$200,000,000 shall provide low-cost basic banking accounts (lifeline accounts), as defined by the appropriate Federal banking agency.

(b) DEFINITIONS.—In this section, the terms “appropriate Federal banking agency” and “insured depository institution” have the meanings given those terms in section 3 of the Federal Deposit Insurance Act.

AMENDMENT NO. 1703

At appropriate place, insert the following:

SEC. ____ LOW-COST BASIC BANKING ACCOUNT.

(a) IN GENERAL.—Each insured depository institution that offers retail depository services to the public and has total aggregate assets of not less than \$200,000,000 shall provide low-cost basic banking accounts (lifeline accounts), as defined by the appropriate Federal banking agency.

(b) DEFINITIONS.—In this section, the terms “appropriate Federal banking agency” and “insured depository institution” have the meanings given those terms in section 3 of the Federal Deposit Insurance Act.

FEINSTEIN AMENDMENTS NOS.
1704-1705

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill, S. 625, supra, as follows:

AMENDMENT NO. 1704

At the appropriate place, insert the following:

SEC. ____ PROTECTION OF MIGRANT SEASONAL AGRICULTURAL WORKERS.

(a) SEATS AND SEAT BELTS.—In promulgating vehicle safety standards under Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) for the transportation of workers by farm labor contractors, agricultural employers or agricultural associations, the Secretary of Labor shall ensure that each occupant or rider in, or on, any vehicle will be provide with a seat, and an operational seat belt, which are securely fastened to the vehicle in accordance with Federal seat belt laws.

AMENDMENT NO. 1705

At the appropriate place, insert the following:

SEC. ____ PROTECTION OF MIGRANT SEASONAL AGRICULTURAL WORKERS.

(a) SEATS AND SEAT BELTS.—In promulgating vehicle safety standards under Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) for the transportation of workers by farm labor contractors, agricultural employers or agricultural associations, the Secretary of Labor shall ensure that each occupant or rider in, or on, any vehicle will be provide with a seat, and an operational seat belt, which are securely fastened to the vehicle in accordance with Federal seat belt laws.

LEAHY (AND MURRAY)
AMENDMENTS NO 1706

(Ordered to lie on the table.)

Mr. LEAHY (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

On page 7, line 21, insert after the period "In addition, the debtor's monthly expenses shall include the debtor's reasonably necessary expenses incurred to maintain the safety of the debtor and the family of the debtor from family violence as defined under section 309 of the Family Violence Prevention and Services Act (42 U.S.C. 10408), or other applicable Federal law. The expenses included in the debtor's monthly expenses described in the preceding sentence shall be kept confidential by the court."

LEAHY AMENDMENTS NOS. 1707-
1709

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1707

On page 115, line 23, strike all through line 2 on page 116.

On page 116, line 3, strike "(v)" and insert "(iv)".

On page 116, line 8, strike "(vi)" and insert "(v)".

On page 116, line 11, strike "(vii)" and insert "(vi)".

On page 117, strike lines 5 through 20, and insert the following:

"(e) An individual debtor in a case under chapter 7 or 13 of this title shall file with the

court at the request of any party in interest—

"(1) all tax returns required under applicable law, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

"(2) at the time filed with the taxing authority, all tax returns required under applicable law, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order of relief;

"(3) any amendments to any of the tax returns, including schedules or attachments, described in paragraph (1) or (2); and"

AMENDMENT NO. 1708

On page 294, between lines 11 and 12, insert the following:

SEC. 11 ____ TOBACCO MULTI-STATE ACCOUNTABILITY.

(a) PURPOSE.—The purpose of this section is to provide that tobacco companies and their parent corporations may not use Federal bankruptcy law to escape their liability for the debts arising from the settlement of certain litigation by State attorneys general to hold the tobacco industry accountable for its prior actions.

(b) CONFIRMATION OF PLAN DOES NOT PROVIDE FOR DISCHARGE OF CERTAIN DEBTS ARISING FROM TOBACCO-RELATED LITIGATION.—Section 1141(d) of title 11, United States Code, as amended by section 708 of this Act, is amended by adding at the end the following:

"(6)(A) The confirmation of a plan does not discharge a debtor that is a covered corporation from any debt arising under the applicable tobacco settlement.

"(B) In this paragraph:

"(i) The term 'covered corporation' means any manufacturer of a tobacco product (as determined under an applicable tobacco settlement) and its parent corporation, as of the date of the execution of the applicable tobacco settlement.

"(ii) The term 'tobacco settlement' means—

"(I) the Master Settlement Agreement and the Smokeless Tobacco Master Settlement Agreement executed by the applicable State Attorneys General on November 23, 1998, and any subsequent amendments thereto;

"(II) the separate settlement agreements executed by the Attorneys General of the States of Florida, Minnesota, Mississippi, and Texas in 1997 and 1998, concerning their litigation against the tobacco industry; and

"(III) the National Tobacco Growers Settlement Trust executed by the applicable State Attorneys General.

"(iii) The term 'State' means any State, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico."

AMENDMENT NO. 1709

On page 124, insert between lines 14 and 15 the following:

SEC. 322. BANKRUPTCY APPEALS.

(a) APPEALS.—Section 158 of title 28, United States Code, is amended—

(1) in subsection (c)(1), by striking out "Subject to subsection (b)," and inserting in lieu thereof "Subject to subsections (b) and (d)(2)."; and

(2) in subsection (d)—

(A) by inserting "(1)" after "(d)"; and

(B) by adding at the end the following new paragraph:

"(2) A court of appeals that would have jurisdiction of a subsequent appeal under paragraph (1) or other applicable law may au-

thorize an immediate appeal to that court, in lieu of further proceedings in a district court or before a bankruptcy appellate panel exercising appellate jurisdiction under subsection (a) or (b), if the district court or bankruptcy appellate panel hearing an appeal certifies that—

"(A) a substantial question of law or matter of public importance is presented in the appeal pending in the district court or before the bankruptcy appellate panel; and

"(B) the interests of justice require an immediate appeal to the court of appeals of the judgment, order, or decree that had been appealed to the district court or bankruptcy appellate panel."

(b) PROCEDURAL RULES.—

(1) IN GENERAL.—Until rules of practice and procedure are promulgated or amended under chapter 131 of title 28, United States Code, relating to appeals to a court of appeals exercising jurisdiction under section 158(d)(2) of title 28, United States Code, as added by this Act, the provisions of this subsection shall apply.

(2) CERTIFICATION.—A district court or bankruptcy appellate panel may enter a certification as described under section 158(d)(2) of title 28, United States Code, on its own or a party's motion during an appeal to the district court or bankruptcy appellate panel under section 158 (a) or (b) of such title.

(3) APPEAL.—Subject to paragraphs (1), (2), and (4) through (8) of this subsection, an appeal under section 158(d)(2) of title 28, United States Code, shall be taken in the manner prescribed under rule 5 of the Federal Rules of Appellate Procedure.

(4) FILING BASED ON CERTIFICATION.—When an appeal is requested on the basis of a certification of a district court or bankruptcy appellate panel, the petition shall be filed within 10 days after the district court or bankruptcy appellate panel enters the certification.

(5) ATTACHMENT OF CERTIFICATION.—When an appeal is requested on the basis of a certification of a district court or bankruptcy appellate panel, a copy of the certification shall be attached to the petition.

(6) APPLICATION TO BANKRUPTCY APPELLATE PANELS.—When an appeal is requested in a case pending before a bankruptcy appellate panel, rule 5 of the Federal Rules of Appellate Procedure shall apply by using the terms "bankruptcy appellate panel" and "clerk of the bankruptcy appellate panel" in lieu of the terms "district court" and "district clerk", respectively.

(7) APPLICATION OF FEDERAL RULES.—When a court of appeals authorizes an appeal, the Federal Rules of Appellate Procedure apply to the proceedings in the court of appeals, to the extent relevant, as if the appeal were taken from a final judgment, order, or decree of a district court or bankruptcy appellate panel exercising appellate jurisdiction under section 158 (a) or (b) of title 28, United States Code.

GRAMM AMENDMENT NO. 1710

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC. ____ MAXIMUM HOMESTEAD EXEMPTION.

Section 522 of title 11, United States Code, as amended by section 308 of this Act, is amended—

(1) in subsection (b)(3)(A), by striking "subsection (n)" and inserting "subsections (n) and (o)"; and

(2) by adding at the end the following:

"(o) Notwithstanding any other provision of law, for purposes of subsection (b)(3)(A),

the maximum exemption under applicable State law from the property of the estate of a debtor of the value of an interest of the debtor in any real or personal property or co-operative described in paragraph (1) or (2) of subsection (n) shall not exceed \$100,000, if the debtor acquired the interest—

“(1) during the 2-year period preceding the date of the filing of the petition; and

“(2) No such exemption shall be available during the 5-year period preceding the date of the filing of the petition with the intent to hinder, delay, or defraud a creditor.”

SPECTER AMENDMENTS NOS. 1711-1712

(Ordered to lie on the table.)

Mr. SPECTER submitted two amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1711

On page 12, strike lines 20 through 22.

On page 12, line 20, insert “finds that the action of the counsel for the debtor in filing under this chapter was frivolous.”

AMENDMENT NO. 1712

At the appropriate place in title XI, insert the following:

SEC. 11 . BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking “Notwithstanding section 1915 of this title, the parties” and inserting “Subject to subsection (f), the parties”; and

(2) by adding at the end the following:

“(f)(1) The Judicial Conference of the United States shall prescribe procedures for waiving fees under this subsection.

“(2) Under the procedures described in paragraph (1), the district court or the bankruptcy court may waive a filing fee described in paragraph (3) for a case commenced under chapter 7 of title 11 if the court determines that an individual debtor is unable to pay fee in installments.

“(3) A filing fee referred to in paragraph (2) is—

“(A) a filing fee under subsection (a)(1); or

“(B) any other fee prescribed by the Judicial Conference of the United States under subsection (b) that is payable to the clerk of the district court or the clerk of the bankruptcy court upon the commencement of a case under chapter 7 of title 11.

“(4) In addition to waiving a fee described in paragraph (3) under paragraph (2), the district court or the bankruptcy court may waive any other fee prescribed under subsection (b) or (c) if the court determines that the individual is unable to pay the fee in installments.”

MCCONNELL AMENDMENT NO. 1713

(Ordered to lie on the table.)

Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . COMPENSATION OF TRUSTEES IN CERTAIN CASES UNDER CHAPTER 7 OF TITLE 11, UNITED STATES CODE.

Section 326 of title 11, United States Code, is amended by adding at the end the following:

“(e) In a case that has been converted under section 706, or after a case has been converted or dismissed under section 707 or the debtor has been denied a discharge under section 727—

“(1) the court may allow reasonable compensation under section 330 for the trustee’s services rendered, payable after the trustee renders services; and

“(2) any allowance made by a court under paragraph (1) shall not be subject to the limitations under subsection (a).”

HATCH AMENDMENTS NOS. 1714-1718

(Ordered to lie on the table.)

Mr. HATCH submitted five amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1714

On page 28, line 7, after “debt”, insert “and materially fraudulent statements in bankruptcy schedules”.

On page 28, line 12, after the period, insert “In addition to addressing the violations referred to in the preceding sentence, the individuals described under subsection (b) shall address violations of section 152 or 157 relating to materially fraudulent statements in bankruptcy schedules that are intentionally false or intentionally misleading.”

On page 28, line 25, strike the quotation marks and the second period.

On page 28, after line 25, insert the following:

“(d) BANKRUPTCY PROCEDURES.—The bankruptcy courts shall establish procedures for referring any case which may contain a materially fraudulent statement in a bankruptcy schedule to the individuals designated under this section.”

On page 29, strike the item between lines 3 and 4 and insert the following:

“158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules.”

AMENDMENT NO. 1715

On page 14, between lines 14 and 15, insert the following:

(c) DISMISSAL FOR CERTAIN CRIMES.—Section 707 of title 11, United States Code, as amended by subsection (a) of this section, is amended by adding at the end the following:

“(c)(1) In this subsection—

“(A) the term ‘crime of violence’ has the meaning given that term in section 16 of title 18; and

“(B) the term ‘drug trafficking crime’ has the meaning given that term in section 924(c)(2) of title 18.

“(2) Except as provided in paragraph (3), after notice and a hearing, the court, on a motion by the victim of a crime of violence or a drug trafficking crime, or at the request of a party in interest, shall dismiss a voluntary case filed by an individual debtor under this chapter if that individual was convicted of that crime.

“(3) The court may not dismiss a case under paragraph (2) if the debtor establishes by a preponderance of the evidence that the filing of a case under this chapter is necessary to satisfy a claim for a domestic support obligation.”

On page 14, line 15, strike “(c)” and insert “(d)”.

AMENDMENT NO. 1716

On page 83, between lines 4 and 5, insert the following:

SEC. 2 . PROTECTION OF EDUCATION SAVINGS.

(a) EXCLUSIONS.—Section 541 of title 11, United States Code, as amended by section 903, is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking “or” at the end;

(B) by redesignating paragraph (6) as paragraph (8); and

(C) by inserting after paragraph (5) the following:

“(6) funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) not later than 365 days before the date of filing of the petition, but—

“(A) only if the designated beneficiary of such account was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were placed in such account;

“(B) only to the extent that such funds—

“(i) are not pledged or promised to any entity in connection with any extension of credit; and

“(ii) are not excess contributions (as described in section 4973(e) of the Internal Revenue Code of 1986); and

“(C) in the case of funds placed in all such accounts having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed \$5,000;

“(7) funds used to purchase a tuition credit or certificate or contributed to an account in accordance with section 529(b)(1)(A) of the Internal Revenue Code of 1986 under a qualified State tuition program (as defined in section 529(b)(1) of such Code) not later than 365 days before the date of filing of the petition, but—

“(A) only if the designated beneficiary of the amounts paid or contributed to such tuition program was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were paid or contributed;

“(B) with respect to the aggregate amount paid or contributed to such program having the same designated beneficiary, only so much of such amount as does not exceed the total contributions permitted under section 529(b)(7) of such Code with respect to such beneficiary, as adjusted beginning on the date of the filing of the petition by the annual increase or decrease (rounded to the nearest tenth of 1 percent) in the education expenditure category of the Consumer Price Index prepared by the Department of Labor; and

“(C) in the case of funds paid or contributed to such program having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed \$5,000; or”; and

(2) by adding at the end the following:

“(f) In determining whether any of the relationships specified in paragraph (6)(A) or (7)(A) of subsection (b) exists, a legally adopted child of an individual (and a child who is a member of an individual’s household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child has as the child’s principal place of abode the home of the debtor and is a member of the debtor’s household) shall be treated as a child of such individual by blood.”

(b) DEBTOR’S DUTIES.—Section 521 of title 11, United States Code, as amended by sections 105(d), 304(c)(1), 305(2), 315(b), and 316 of this Act, is amended by adding at the end the following:

“(k) In addition to meeting the requirements under subsection (a), a debtor shall file with the court a record of any interest that a debtor has in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) or under a qualified State tuition program

(as defined in section 529(b)(1) of such Code).”.

AMENDMENT NO. 1717

On page 124, between lines 14 and 15, insert the following:

SEC. 3. DEBTOR'S TRANSACTIONS WITH ATTORNEYS.

Section 329 of title 11, United States Code, is amended—

(1) in subsection (a), by striking “Any attorney” and inserting “Subject to subsection (c), any attorney”; and

(2) by adding at the end the following:

“(c) Any attorney who represents a debtor in a case under chapter 13 or in connection with such a case, shall be compensated for the services described in subsection (a) on a quarterly basis during such time as a plan under subchapter II of that chapter is in effect.”.

AMENDMENT NO. 1718

On page 20, between lines 2 and 3, insert the following:

(c) FRESH START CREDIT COUNSELING.—Section 727 of title 11, United States Code, as amended by subsection (b) of this section, is amended by adding at the end the following:

“(f)(1) In addition to meeting the requirements under subsection (a), as a condition to receiving a discharge under this section a debtor shall provide assurances that the debtor will complete by not later than 365 days after the granting of the discharge, an instructional course concerning personal financial management described in section 111. That course shall be in addition to the course completed by the debtor to meet the requirements of section 109.

“(2) If a debtor fails to meet the requirements of paragraph (1) by the date specified in that paragraph, the debtor may not file a voluntary case under this chapter or chapter 13 until after the date that is 10 years after the date of the discharge referred to in that paragraph.”.

On page 20, line 3, strike “(c)” and insert “(d)”.

On page 20, line 22, strike the ending quotation marks and the following period.

On page 20, between lines 22 and 23, insert the following:

“(j)(1) In addition to meeting the requirements under subsection (g), as a condition to receiving a discharge under this section a debtor shall provide assurances that the debtor will complete by not later than 365 days after the granting of the discharge, an instructional course concerning personal financial management described in section 111. That course shall be in addition to the course completed by the debtor to meet the requirements of section 109.

“(2) If a debtor fails to meet the requirements of paragraph (1) by the date specified in that paragraph, the debtor may not file a voluntary case under this chapter or chapter 7 until after the date that is 10 years after the date of the discharge referred to in that paragraph.”.

On page 20, line 23, strike “(d)” and insert “(e)”.

On page 21, line 12, strike “(e)” and insert “(f)”.

On page 21, line 25, strike the ending quotation marks and the following period.

On page 21, after line 25, add the following: “(b)(1) In this subsection, the term ‘credit counseling service’—

“(A) means—

“(i) a nonprofit credit counseling service approved under subsection (a); and

“(ii) any other consumer education program carried out by—

“(1) a trustee appointed under chapter 13; or

“(II) any other public or private entity or individual; and

“(B) does not include any counseling service provided by the attorney of the debtor or an agent of the debtor.

“(2) No attorney or agent that represents a debtor under this title may provide credit counseling services to that debtor.

“(3)(A) No credit counseling service may provide to a credit reporting agency information concerning whether an individual debtor has received or sought instruction concerning personal financial management from the credit counseling service.

“(B) A credit counseling service that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

“(i) any actual damages sustained by the debtor as a result of the violation; and

“(ii) any court costs or reasonable attorneys’ fees (as determined by the court) incurred in an action to recover those damages.”.

On page 22, line 4, strike “(f)” and insert “(g)”.

On page 22, before line 1, insert the following:

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall conduct a study and submit a report to Congress that—

“(A) evaluates the implementation of section 111(b)(2) of title 11, United States Code, as amended by this subsection; and

“(B) includes any recommendations for Congress.”.

On page 22, line 1, strike “(2)” and insert “(3)”.

SESSIONS AMENDMENT NO. 1719

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

S. 625, the “Bankruptcy Reform Act of 1999” is amended in the following manner.

SEC. 204. DISCOURAGING ABUSE OF REAFFIRMATION PRACTICES.

(1) On page 25, line 1, insert “with a debtor” after “communication”.

(2) On page 25, line 6, strike “of an intention to—” and all that follows through line 13 and insert “to take an action which the creditor could not legally take.”

(3) On page 25, line 20, strike “or does not intend to take.”.

(4) On page 27, line 15, strike “or did not intend to take”.

SMITH AMENDMENTS NOS. 1720–1721

(Ordered to lie on the table.)

Mr. SMITH of Oregon submitted two amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1720

Strike all after the first word, and insert the following:

NON-DISCHARGEABILITY OF DAMAGE AWARDS BASED ON INJURY RESULTING FROM THE PROVISION OF ABORTION SERVICES.

Section 523(a)(6) of title 11, United States Code, is amended by adding at the end thereof the following: “, or for injury resulting from the provision of abortion services.”

The provisions of this section shall take effect one day following enactment.

AMENDMENT NO. 1721

At the appropriate place, insert the following:

SEC. . NON-DISCHARGEABILITY OF DAMAGE AWARDS BASED ON INJURY RESULTING FROM THE PROVISION OF ABORTION SERVICES.

Section 523(a)(6) of title 11, United States Code, is amended by adding at the end thereof the following: “, or for injury resulting from the provision of abortion services.”

ROBB AMENDMENTS NOS. 1722–1723

(Ordered to lie on the table.)

Mr. ROBB submitted two amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1722

On page 51, strike line 24 and insert the following:

section (d); and

“(7) provide information relating to the administration of cases that is practical to any not-for-profit entity which shall provide information to parties in interest in a timely and convenient manner, including telephonic and Internet access, at no cost or a nominal cost.

An entity described in paragraph (7) shall provide parties in interest with reasonable information about each case on behalf of the trustee of that case, including the status of the debtor’s payments to the plan, the unpaid balance payable to each creditor treated by the plan, and the amount and date of payments made under the plan. Neither a trustee nor a creditor shall be liable to the debtor or to any other party in interest if the information provided in the manner required by paragraph (7) is not accurate and the party claiming not to be liable acted in good faith in providing or relying upon information the entity made available under paragraph (7) or this paragraph. The trustee shall have no duty to provide information under paragraph (7) if no such entity has been established.”; and”.

AMENDMENT NO. 1723

On page 106, line 16, insert “and not yet due and owing” after “previously paid”.

KERRY AMENDMENTS NOS. 1724–1725

(Ordered to lie on the table.)

Mr. KERRY submitted two amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1724

On page 155, line 10, strike all through page 157, line 8.

AMENDMENT NO. 1725

On page 155, line 16, strike “90” and insert “180”.

On page 155, strike through lines 18 and 19.

On page 155, line 20, strike “(B)” and insert “(A)”.

On page 155, line 22, strike “(C)” and insert “(B)”.

On page 155, line 24, strike “90” and insert “300”.

Beginning on page 156, line 22, strike through page 157, line 8.

Redesignate sections 430 through 435 as sections 429 through 434, respectively.

On page 159, lines 13 and 14, strike “, as amended by section 429 of this Act.”.

On page 250, line 17, strike “432(2)” and insert “431(2)”.

COLLINS (AND OTHERS)

AMENDMENT NO. 1726

(Ordered to lie on the table.)

Ms. COLLINS (for herself, Mr. KERRY, Mrs. MURRAY, Mr. STEVENS,

and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

At the appropriate place insert the following:

SEC. ____ FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

“(7A) ‘commercial fishing operation’ includes—

“(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products;

“(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A); and

“(C) the transporting by vessel of a passenger for hire (as defined in section 2101 of title 46) who is engaged in recreational fishing;

“(7B) ‘commercial fishing vessel’ means a vessel used by a fisherman to carry out a commercial fishing operation;”;

(2) by inserting after paragraph (19) the following:

“(19A) ‘family fisherman’ means—

“(A) an individual or individual and spouse engaged in a commercial fishing operation (including aquaculture for purposes of chapter 12)—

“(i) whose aggregate debts do not exceed \$1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

“(ii) who receive from such commercial fishing operation more than 50 percent of such individual’s or such individual’s and spouse’s gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

“(B) a corporation or partnership—

“(i) in which more than 50 percent of the outstanding stock or equity is held by—

“(I) 1 family that conducts the commercial fishing operation; or

“(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

“(ii) (I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

“(II) its aggregate debts do not exceed \$1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

“(III) if such corporation issues stock, such stock is not publicly traded;”;

(3) by inserting after paragraph (19A) the following:

“(19B) ‘family fisherman with regular annual income’ means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;”.

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting “or family fisherman” after “family farmer”.

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting “OR FISHERMAN” after “FAMILY FARMER”;

(2) in section 1201, by adding at the end the following:

“(e)(1) Notwithstanding any other provision of law, for purposes of this subsection, a guarantor of a claim of a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.

“(2) For purposes of a claim that arises from the ownership or operation of a commercial fishing operation, a co-maker of a loan made by a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.”;

(3) in section 1203, by inserting “or commercial fishing operation” after “farm”;

(4) in section 1206, by striking “if the property is farmland or farm equipment” and inserting “if the property is farmland, farm equipment, or property of a commercial fishing operation (including a commercial fishing vessel)”;

(5) by adding at the end the following:

“§ 1232. Additional provisions relating to family fishermen

“(a)(1) Notwithstanding any other provision of law, except as provided in subsection (c), with respect to any commercial fishing vessel of a family fisherman, the debts of that family fisherman shall be treated in the manner prescribed in paragraph (2).

“(2)(A) For purposes of this chapter, a claim for a lien described in subsection (b) for a commercial fishing vessel of a family fisherman that could, but for this subsection, be subject to a lien under otherwise applicable maritime law, shall be treated as an unsecured claim.

“(B) Subparagraph (A) applies to a claim for a lien resulting from a debt of a family fisherman incurred on or after the date of enactment of this chapter.

“(b) A lien described in this subsection is—

“(1) a maritime lien under subchapter III of chapter 313 of title 46 without regard to whether that lien is recorded under section 31343 of title 46; or

“(2) a lien under applicable State law (or the law of a political subdivision thereof).

“(c) Subsection (a) shall not apply to—

“(1) a claim made by a member of a crew or a seaman including a claim made for—

“(A) wages, maintenance, or cure; or

“(B) personal injury; or

“(2) a preferred ship mortgage that has been perfected under subchapter II of chapter 313 of title 46.

“(d) For purposes of this chapter, a mortgage described in subsection (c)(2) shall be treated as a secured claim.”.

(d) CLERICAL AMENDMENTS.—

(1) TABLE OF CHAPTERS.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

“12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income 1201”.

(2) TABLE OF SECTIONS.—The table of sections for chapter 12 of title 11, United States Code, is amended by adding at the end the following new item:

“1232. Additional provisions relating to family fishermen.”.

(e) Nothing in this title is intended to change, affect, or amend the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801, et. seq.).

DEWINE AMENDMENT NO. 1727

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

On page 53, insert between lines 18 and 19 the following:

SEC. 220. NONDISCHARGEABILITY OF CERTAIN EDUCATIONAL BENEFITS AND LOANS.

Section 523(a) of title 11, United States Code, is amended by striking paragraph (8) and inserting the following:

“(8) unless excepting such debt from discharge under this paragraph would impose an undue hardship on the debtor and the debtor’s dependents, for—

“(A)(i) an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or nonprofit institution; or

“(ii) an obligation to repay funds received as an educational benefit, scholarship, or stipend; or

“(B) any other educational loan that is a qualified education loan, as that term is defined in section 221(e)(1) of the Internal Revenue Code of 1986, incurred by an individual debtor;”.

HATCH AMENDMENT NO. 1728

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

On page 6, line 12, insert “11 or” after “chapter”.

On page 6, line 24, insert “11 or” after “chapter”.

On page 14, strike lines 8 through 14 and insert the following:

“(C)(i) Only the judge, United States trustee, panel trustee, or bankruptcy administrator, shall bring a motion under section 707(b) if the debtor and the debtor’s spouse combined, as of the date of the order for relief, have current monthly income which when multiplied by 12, is equal to or less than the national or applicable State median household monthly income (subject to clause (ii)) of a household of equal size.

“(ii) For a household of more than 4 individuals, the median income shall be that of a household of 4 individuals, plus \$583 for each additional member of that household.”.

On page 14, in the matter between lines 18 and 19, insert “11 or” after “chapter”.

On page 14, after the matter between lines 18 and 19, insert the following:

SEC. 103. FINDINGS AND STUDY.

(a) FINDINGS.—Congress finds that the Secretary of the Treasury has the inherent authority to alter the Internal Revenue Service standards established to set guidelines for repayment plans as needed to accommodate their use under section 707(b) of title 11, United States Code.

(b) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the

Secretary of the Treasury, in consultation with the Director of the Executive Office of United States Trustees, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the findings of the Secretary concerning—

(A) the utilization of Internal Revenue Service standards for the purpose of section 707(b) of title 11, United States Code; and

(B) the impact that the application of those standards has had on debtors and on the bankruptcy courts.

(2) **RECOMMENDATION.**—The report under paragraph (1) may include recommendations for amendments to title 11, United States Code, that are consistent with the findings of the Secretary of the Treasury under paragraph (1).

On page 14, line 19, strike “103” and insert “104”.

On page 15, line 12, strike “104” and insert “105”.

On page 17, line 19, strike “105” and insert “106”.

On page 20, between lines 2 and 3, insert the following:

(c) **FRESH START CREDIT COUNSELING.**—Section 727 of title 11, United States Code, as amended by subsection (b) of this section, is amended by adding at the end the following:

“(f)(1) In addition to meeting the requirements under subsection (a), as a condition to receiving a discharge under this section a debtor shall provide assurances that the debtor will complete by not later than 365 days after the granting of the discharge, an instructional course concerning personal financial management described in section 111. That course shall be in addition to the course completed by the debtor to meet the requirements of section 109.

“(2) If a debtor fails to meet the requirements of paragraph (1) by the date specified in that paragraph, the debtor may not file a voluntary case under this chapter or chapter 13 until after the date that is 10 years after the date of the discharge referred to in that paragraph.”

On page 20, line 3, strike “(c)” and insert “(d)”.

On page 20, line 22, strike the ending quotation marks and the following period.

On page 20, between lines 22 and 23, insert the following:

“(j)(1) In addition to meeting the requirements under subsection (g), as a condition to receiving a discharge under this section a debtor shall provide assurances that the debtor will complete by not later than 365 days after the granting of the discharge, an instructional course concerning personal fi-

ancial management described in section 111. That course shall be in addition to the course completed by the debtor to meet the requirements of section 109.

“(2) If a debtor fails to meet the requirements of paragraph (1) by the date specified in that paragraph, the debtor may not file a voluntary case under this chapter or chapter 7 until after the date that is 10 years after the date of the discharge referred to in that paragraph.”

On page 20, line 23, strike “(d)” and insert “(e)”.

On page 21, line 12, strike “(e)” and insert “(f)”.

On page 21, line 25, strike the ending quotation marks and the following period.

On page 21, after line 25, add the following: “(b)(1) In this subsection, the term ‘credit counseling service’—

“(A) means—

“(i) a nonprofit credit counseling service approved under subsection (a); and

“(ii) any other consumer education program carried out by—

“(I) a trustee appointed under chapter 13; or

“(II) any other public or private entity or individual; and

“(B) does not include any counseling service provided by the attorney of the debtor or an agent of the debtor.

“(2) No attorney or agent that represents a debtor under this title may provide credit counseling services to that debtor.

“(3)(A) No credit counseling service may provide to a credit reporting agency information concerning whether an individual debtor has received or sought instruction concerning personal financial management from the credit counseling service.

“(B) A credit counseling service that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

“(i) any actual damages sustained by the debtor as a result of the violation; and

“(ii) any court costs or reasonable attorneys’ fees (as determined by the court) incurred in an action to recover those damages.”

On page 22, before line 1, insert the following:

(2) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall conduct a study and submit a report to Congress that—

(A) evaluates the implementation of section 111(b)(2) of title 11, United States Code, as amended by this subsection; and

(B) includes any recommendations for Congress.

On page 22, line 1, strike “(2)” and insert “(3)”.

On page 22, line 4, strike “(f)” and insert “(g)”.

On page 30, line 11, insert “, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title,” after “under this title”.

On page 30, lines 14 and 15, strike “or legal guardian; or” and insert “, legal guardian, or responsible relative; or”.

On page 30, line 21, strike “or legal guardian”.

On page 31, line 10, strike “or legal guardian” and insert “, legal guardian, or responsible relative”.

On page 32, line 9, strike all through line 3 on page 33 and insert the following:

“(1) First:

“(A) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such child, without regard to whether the claim is filed by such person or is filed by a governmental unit on behalf of that person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

“(B) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date the petition was filed are assigned by a spouse, former spouse, child of the debtor, or such child’s parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a governmental unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law.”

On page 33, line 4, strike all through page 37, line 6 and insert the following:

SEC. 213. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—
(1) in section 1129(a), by adding at the end the following:

“(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that first become payable after the date on which the petition is filed.”;

(2) in section 1208(c)—

(A) in paragraph (8), by striking “or” at the end;

(B) in paragraph (9), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(10) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.”;

(3) in section 1222(a)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(4) only if the plan provides that all of the debtor’s projected disposable income for a 5-year period, beginning on the date that the first payment is due under the plan, will be applied to make payments under the plan.”;

(4) in section 1222(b)—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following:

“(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are non-dischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims.”;

(5) in section 1225(a)—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order for such obligation that first become payable after the date on which the petition is filed.”;

(6) in section 1228(a), in the matter preceding paragraph (1), by inserting “, and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the

plan) have been paid” after “completion by the debtor of all payments under the plan”; (7) in section 1307(c)—

(A) in paragraph (9), by striking “or” at the end;

(B) in paragraph (10), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(11) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.”;

(8) in section 1322(a)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding in the end the following:

“(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(2) only if the plan provides that all of the debtor’s projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.”;

(9) in section 1322(b)—

(A) in paragraph (9), by striking “; and” and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) inserting after paragraph (9) the following:

“(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are non-dischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and”;

(10) in section 1325(a)—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid amounts payable after the date on which the petition is filed.”; and

(11) in section 1328(a), in the matter preceding paragraph (1), by inserting “, and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid” after “completion by the debtor of all payments under the plan”.

On page 37, strike lines 10 and 11 and insert “amended by striking paragraph (2) and inserting the”.

On page 37, lines 14 and 15, strike “of an action or proceeding for—” and insert “or continuation of a civil action or proceeding—”.

On page 37, line 16, insert “for” after “(i)”.

On page 37, line 19, insert “for” after “(ii)”.

On page 37, line 21, strike “or”.

On page 37, between lines 21 and 22, insert the following:

“(iii) concerning child custody or visitation;

“(iv) for the dissolution of a marriage except to the extent that such a proceeding seeks to determine the division of property which is property of the estate; or

“(v) regarding domestic violence;

On page 37, line 24, strike the quotation marks and second semicolon.

On page 37, after line 24, add the following:

“(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation pursuant to a judicial or administrative order—

“(i) for amounts that first become payable after the date the petition was filed; and

“(ii) for amounts that first became payable before the petition was filed;

“(D) the withholding, suspension, or restriction of drivers’ licenses, professional and occupational licenses, and recreational licenses under State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16));

“(E) the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

“(F) the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)) or under an analogous State law; or

“(G) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.).”;

On page 38, line 12, strike all through page 39, line 25.

On page 40, line 4, insert “as amended by section 1110(1) of this Act,” after “Code.”.

On page 40, between lines 13 and 14, insert the following:

(i) by inserting “to a spouse, former spouse, or child of the debtor and” before “not of the kind”;

On page 40, line 14, strike “(i)” and insert “(ii)”.

On page 40, line 16, strike “(ii)” and insert “(iii)”.

On page 40, insert between lines 18 and 19 the following:

(C) by striking paragraph (18); and

On page 40, line 20, strike “(6)” and insert “(5)”.

On page 41, line 4, strike “(5)” and insert “(4)”.

On page 41, line 7, strike "(5)" and insert "(4)".

On page 41, line 12, strike "(5)" and insert "(4)".

On page 43, strike lines 16 through 20 insert the following:

Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a domestic support obligation that first becomes payable after the date on which the petition is filed" after "dependent of the debtor".

On page 43, strike line 22 through page 44, line 2, and insert the following:

Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a domestic support obligation that first becomes payable after the date on which the petition is filed" after "dependent of the debtor".

On page 44, line 14, strike "for support" through line 16, and insert "for a domestic support obligation,".

On page 45, line 23, strike "and".

On page 45, between lines 23 and 24, insert the following:

"(III) the last recent known name and address of the debtor's employer; and

On page 45, line 24, strike "(III)" and insert "(IV)".

On page 46, line 2, strike "(2), (4), or (14A)" and insert "(2), (3), or (14)".

On page 46, strike lines 6 through 11 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 46, line 19, strike "(b)" and insert "(a)".

On page 46, line 20, strike "(5)" and insert "(6)".

On page 46, line 22, strike "(6)" and insert "(7)".

On page 47, strike lines 1 through 6 and insert the following:

"(8) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

On page 47, line 8, strike "(b)(7)" and insert "(a)(7)".

On page 48, line 7, strike "and".

On page 48, insert between lines 7 and 8 the following:

"(III) the last recent known name and address of the debtor's employer; and"

On page 48, line 8, strike "(III)" and insert "(IV)".

On page 48, line 11, strike "(4), or (14A)" and insert "(3), or (14)".

On page 48, strike lines 15 through 20 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 49, strike lines 9 through 14 and insert the following:

"(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

On page 50, line 16, strike "and".

On page 50, insert between lines 16 and 17 the following:

"(III) the last recent known name and address of the debtor's employer; and".

On page 50, line 17, strike "(III)" and insert "(IV)".

On page 50, line 20, strike "(4), or (14A)" and insert "(3), or (14)".

On page 50, line 24, strike all through line 4 on page 51 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 51, strike lines 19 through 24 and insert the following:

"(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (d)."; and

On page 52, line 24, strike "and".

On page 52, after line 24, add the following: "(III) the last recent known name and address of the debtor's employer; and".

On page 53, line 1, strike "(III)" and insert "(IV)".

On page 53, line 4, strike "(4), or (14A)" and insert "(3), or (14)".

On page 53, strike lines 8 through 13 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 76, line 15, strike "523(a)(9)" and insert "523(a)(8)".

On page 82, strike lines 4 through 9 and insert "title 11, United States Code, is amended by adding at the end the following:".

On page 82, line 10, strike "(19)" and insert "(18)".

On page 91, line 23, strike "105(d)" and insert "106(d)".

On page 92, strike line 17 and insert the following:

(2) in section 521, as amended by section 106 of this Act, by adding at the end the following:

On page 92, line 18, strike "(b)" and insert "(c)".

On page 93, line 3, strike "(2)" and insert "(3)".

On page 94, line 25, strike "105(d)" and insert "106(d)".

On page 95, line 16, strike "(c)" and insert "(d)".

On page 109, line 13, strike "by adding at the end" and insert "by inserting after subsection (e)".

On page 111, strike lines 16 and 17 and insert the following:

SEC. 314. DISCHARGE PETITIONS.

On page 111, line 18, insert "(a) DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.—" before "Section".

On page 112, line 14, insert a dash after the period.

On page 112, line 19, strike "(4)" and insert "(3)".

On page 112, line 20, strike "(3)(B), (5), (8), or (9) of section 523(a)" and insert "(4), (7), or (8) of section 523(a)".

On page 113, strike line 6 and all that follows through page 114, line 19 and insert the following:

(a) NOTICE.—

(1) IN GENERAL.—Section 342 of title 11, United States Code, as amended by section 103 of this Act, is amended—

(A) by striking subsection (c);

(B) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(C) by inserting before subsection (b), as redesignated, the following:

"(1) In this section:

"(i)(A) The term 'debtor identifying information' means—

"(i) the debtor's name, address, and Federal taxpayer identification number; and

"(ii) if the information is being provided to a governmental entity, the identity of the specific department, agency, or instrumentality of the governmental unit on account of which the entity is being given notice.

"(B) In any notice a debtor provides under this title or the Federal Rules of Bankruptcy Procedure, the debtor's current account number, or other identifying number, that has been provided to the debtor or used in prior communications between the debtor and an entity shall be used when notice is given to such an entity.

"(2) The term 'notice' includes any correspondence to the entity after the commencement of the case and any notice required to be given the entity under this title or the Federal Rules of Bankruptcy Procedure.

"(3) The term 'effective notice' with respect to an entity means that notice has been served on the entity—

"(A) at the address specified under subsection (e); or

"(B) if no address is specified under subsection (e), at an address otherwise designated by this title, the Federal Rules of Bankruptcy Procedure, or applicable non-bankruptcy law for service of process to initiate a civil proceeding against the party to be notified or by court order for service on such entity in the case"; and

(D) by adding after subsection (c), as redesignated, the following:

"(d)(1) If notice is required to be given by the debtor or by the court or on the debtor's behalf to an entity under this title, any rule promulgated under this title, any applicable law, or any order of the court, such notice shall contain debtor identifying information in addition to any other required information. Such identifying information may be provided in the notice or in a separate document provided with or attached to the notice.

"(2) A petition under this title shall contain the debtor's name, address and Federal taxpayer identification number.

"(e)(1) At any time, an entity may file with the court a designation of the address or addresses at which the entity is to receive notice in cases under this title. The clerk shall maintain and make available to any entity making a request, a register in which shall be listed, alphabetically by name, the name and address or addresses for those entities which have provided the designation described in this paragraph. The register shall be maintained and made available in the form and manner as the Director of the Administrative Office for the United States Courts prescribes. The clerk shall update such register no less frequently than once each calendar month with the information contained in any designation so filed.

"(2) Subject to paragraph (3), the addresses specified in the register shall be the address to which all notices to the entity shall be sent, effective 5 business days after the date on which the information is first listed in the register.

"(3) In a particular case, an entity may file with the court and serve on the debtor and on other parties in the case notice of a different address to be used for service in that particular case. Effective 5 business days after service of such notice, any further notices that are required to be given to that entity in that case shall be given at that address.

"(f)(1)(A) Subject to the other paragraphs of this subsection and subparagraph (B), if effective notice of an action, proceeding or time within which an entity is required or permitted under this title or the Federal Rules of Bankruptcy Procedures to act or to refrain from taking action is not given to an entity—

"(i) any action, proceeding or time of which the entity was not given effective notice shall not be effective with respect to that entity; and

"(ii) any creditor which has not received effective notice shall receive the equivalent of the treatment which similar entities similarly situated received in the proceeding.

"(B) Nothing in this section shall affect the immediate applicability of the automatic stay under section 362(a).

"(2) Subject to paragraph (4), if effective notice of the commencement of the case was not given to a creditor at the times required by this title and the Federal Rules of Bankruptcy Procedures (determined without regard to paragraph (3)) the creditor's debt shall be subject to discharge only if—

"(A) the court, after notice and a hearing, finds that effective notice of the commencement of the case was given the creditor in time to permit the creditor's effective participation in the case, except that the court may not so find if effective notice is given after—

"(i) if the debt is of a kind specified in paragraph (2), (3), or (5) of section 523(a) of this title, 30 days before the last date to file a proceeding to determine the dischargeability of a debt; or

"(ii) if the debt is not of a kind specified in paragraph (2), (3), or (5) of section 523(a) of this title, 30 days before the last date for the creditor to file a proof of claim in the case; or

"(B) the creditor elects to file, within the time provided in paragraph (3), a proof of claim, or a proceeding to determine the

dischargeability of the debt, and such filings shall be deemed to be timely under this title and the Federal Rules of Bankruptcy Procedure.

"(3)(A) If a time is specified by or within which an entity is required or permitted under this title or the Federal Rules of Bankruptcy Procedure to act or to refrain from taking action, such time shall begin to run against that entity only—

"(i) except as provided in paragraph (ii), when effective notice is given the entity; or

"(ii) if notice is effective only because the party claiming that effective notice was given establishes that there was actual knowledge upon the later of—

"(I) the date of actual knowledge; or

"(II) the date on which such notice should otherwise have been provided.

"(B) If no time is specified by or within which an entity is required or permitted to act under this title or the Federal Rules of Bankruptcy Procedure—

"(i) the entity shall have a minimum of 30 days, or such longer time as the court allowed to other entities, to take such required or permitted action after effective notice is given; and

"(ii) in a particular case, a court may, for good cause shown and after notice and a hearing, adjust any requirements of clause (i) which are not practicable in the circumstances, except that an entity may not be required to act before a reasonable time after effective notice is given the entity so as to allow the entity to take the required or permitted action.

"(4)(A) In a case filed under chapter 7 by an individual, a creditor's debt that is not subject to discharge under paragraphs (1) through (3), shall be subject to discharge, if—

"(i) the trustee has determined that no assets are or will be available to pay a dividend to creditors in the case with the same priority as the creditor; and

"(ii) the court has granted a debtor's request to permit amending the schedules to list the creditor or otherwise to subject the creditor's debt to discharge (including by reopening the debtor's case if necessary).

"(B)(i) Before granting a request under subparagraph (A) by the debtor, the court shall require the debtor to give the creditor effective notice of the case and provide the creditor with a minimum of 30 days to object to such request. The court shall grant such request unless the creditor files a timely objection.

"(ii) If the creditor files a timely objection the court shall not grant the request unless the court finds, after notice and a hearing, that—

"(I) the debtor has established that the failure to list the creditor was based upon excusable neglect, and

"(II) the creditor will not be prejudiced by being included in the case at the present time.

"(C) Any creditor listed by the debtor under this paragraph may file a proof of claim, a proceeding to determine the dischargeability of the debt, and any other action allowed or permitted by this title and the Federal Rules of Bankruptcy Procedure within the time limits provided in paragraph (3). Such filings shall be deemed to be timely under this title and the Federal Rules of Bankruptcy Procedure.

"(5) If there is an omission by the debtor of information required by this title or the Federal Rules of Bankruptcy Procedure to be included on the debtor's schedules, the omission shall be treated as a failure to provide effective notice under this subsection of the commencement of the case if the omitted information is material to the matter with respect to which notice is required.

"(g)(1) No sanction, including an award of attorneys fees or costs, under section 362(h) of this title or any other sanction which a court may impose on account of violations of the stay under section 362(a) of this title or failure to comply with sections 524(a), 542, or 543 of this title may be imposed on account of any action of an entity unless the action takes place after the entity has received effective notice of the commencement of the case, or with respect to section 524(a), the discharge of a debt owed the entity.

"(2) Nothing in this subsection shall be deemed to require a court to impose sanctions on an entity in circumstances other than those described in this paragraph."

(2) ADOPTION OF RULES PROVIDING NOTICE.—

(A) SENSE OF CONGRESS.—It is the sense of Congress that the Judicial Conference of the United States shall promptly consult with appropriate parties, including representatives of Federal, State, and local government, with respect to the need for additional rules for providing adequate notice to State, Federal, and local government units that have regulatory authority over the debtor, and propose such rules within a reasonable period of time. Such rules shall be consistent with section 342 of title 11, United States Code, as amended by this section, and shall be designed to ensure that notice will reach the representatives of the governmental unit, or subdivision thereof, who will be the proper persons authorized to act upon the notice.

(B) RULES.—At a minimum, to the extent that it is determined that notice should be given to a particular regulatory entity, the rules shall require that the debtor, in addition to any other information required by section 342 of title 11, United States Code, shall—

(i) identify in the schedules and the notice, the department, agency, subdivision, instrumentality or entity in respect of which such notice should be received;

(ii) provide sufficient information in the list or schedule (such as case captions, permit numbers, taxpayer identification numbers, or similar identifying information) to permit the governmental unit or subdivision thereof, entitled to receive such notice, to identify the debtor or the person or entity on behalf of which the debtor is providing notice where the debtor may be a successor in interest or may not be the same as the person or entity which incurred the debt or obligation; and

(iii) identify, in appropriate schedules, which shall be required to be served on the governmental unit together with the notice, the property, if any, in respect of which any claim or regulatory obligation may have arisen, and the nature of the claim or regulatory obligation for which notice is being given.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) EXCEPTIONS TO DISCHARGE.—Section 523 of title 11, United States Code, as amended by sections 215, 223(b), 224(c), 301, 310, 314, 414, and 1110 of this Act, is further amended—

(i) in subsection (a)—

(I) by striking paragraph (3); and

(II) redesignating paragraphs (4) through (14A) as paragraphs (3) through (14), respectively;

(ii) in subsection (b), by striking "(a)(3), or (a)(8) of this section," and inserting "or (a)(7) of this section, section 342 of this title";

(iii) in subsection (c)(1), by striking "Except as provided in subsection (a)(3)(B) of this section," and inserting "Except as provided in section 342(f)."; and

(iv) in subsection (c)(2)—

(I) by striking "(a)(4), (a)(6), or (a)(11)" and inserting "(a)(3), (a)(5), or (a)(10)"; and

(II) by striking "subsection (a)(3)(B) of this section" and inserting "section 342(f)".

(B) CONFORMING AMENDMENTS.—

(i) ALLOWANCE OF CLAIMS OR INTERESTS.—Section 502(b)(5) of title 11, United States Code, is amended by striking "section 523(a)(5)" and inserting "section 523(a)(4)".

(ii) EXEMPTIONS.—Section 522(c)(3) of title 11, United States Code, is amended by striking "section 523(a)(4) or 523(a)(6)" and inserting "section 523(a)(3) or (5)".

(C) DISTRIBUTION OF PROPERTY OF THE ESTATE.—Section 726 of title 11, United States Code, is amended—

(i) in subsection (a)(2)(A), by adding "or" after the semicolon;

(ii) in subsection (a)(2)(B), by striking "or" after the semicolon;

(iii) by striking subsection (a)(2)(C); and

(iv) in subsection (a)(3), by striking all beginning with ", other" through "subsection".

On page 116, line 16, strike "(d)(1)" and insert "(e)(1)".

On page 117, line 5, strike "(e)" and insert "(f)".

On page 118, line 1, strike "(A) beginning" and insert the following:

"(A) beginning".

On page 118, line 5, strike "(B) thereafter," and insert the following:

"(B) thereafter,".

On page 118, line 8, strike "(f)(1)" and insert "(g)(1)".

On page 118, strike line 23 and insert the following: "subsection (h)".

On page 118, line 24, strike "(g)(1)" and insert "(h)(1)".

On page 119, line 21, strike "(h)" and insert "(i)".

On page 120, line 11, strike "(i)" and insert "(j)".

On page 124, strike lines 7 through 14 and insert the following:

SEC. 321. CHAPTER 11 CASES FILED BY INDIVIDUALS.

(a) PROPERTY OF THE ESTATE.—

(1) IN GENERAL.—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

"§ 1115. Property of the estate

"In a case concerning an individual, property of the estate includes, in addition to the property specified in section 541—

"(1) all property of the kind specified in section 541 that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first; and

"(2) earnings from services performed by the debtor after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first."

(2) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

"1115. Property of the estate."

(b) CONTENTS OF PLAN.—Section 1123(a) of title 11, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(8) in a case concerning an individual, provide for the payment to creditors through the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan, except that the provision of such payment under this paragraph shall not be a required part of the plan."

(c) CONFIRMATION OF PLAN.—

(1) REQUIREMENTS RELATING TO VALUE OF PROPERTY.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

"(14) In a case concerning an individual in which the holder of an allowed unsecured claim objects to the confirmation of the plan—

"(A) the value of the property to be distributed under the plan on account of such claim is, as of the effective date of the plan, not less than the amount of such claim; or

"(B) the value of the property to be distributed under the plan is not less than the debtor's projected disposable income (as that term is defined in section 1325(b)(2)) to be received during the 3-year period beginning on the date that the first payment is due under the plan, or during the term of the plan, whichever is longer."

(2) REQUIREMENT RELATING TO INTERESTS IN PROPERTY.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended by inserting before the period at the end the following: ", except that in a case concerning an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of subsection (a)(14)".

(d) EFFECT OF CONFIRMATION.—Section 1141(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "The confirmation of a plan does not discharge an individual debtor" and inserting "A discharge under this chapter does not discharge a debtor"; and

(2) by adding at the end the following:

"(5) In a case concerning an individual—

"(A) except as otherwise ordered for cause shown, the discharge is not effective until

completion of all payments under the plan; and

“(B) at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if—

“(i) for each allowed unsecured claim, the value as of the effective date of the plan, of property actually distributed under the plan on account of that claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

“(ii) modification of the plan under 1127 of this title is not practicable.”.

(e) **MODIFICATION OF PLAN.**—Section 1127 of title 11, United States Code, is amended by adding at the end the following:

“(e) In a case concerning an individual, the plan may be modified at any time after confirmation of the plan but before the completion of payments under the plan, whether or not the plan has been substantially consummated, upon request of the debtor, the trustee, the United States trustee, or the holder of an allowed unsecured claim, to—

“(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

“(2) extend or reduce the time period for such payments; or

“(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim made other than under the plan.”.

On page 124, between lines 14 and 15, insert the following:

SEC. 322. DEBTOR'S TRANSACTIONS WITH ATTORNEYS.

Section 329 of title 11, United States Code, is amended—

(1) in subsection (a), by striking “Any attorney” and inserting “Subject to subsection (c), any attorney”; and

(2) by adding at the end the following:

“(c) Any attorney who represents a debtor in a case under chapter 13 or in connection with such a case, shall be compensated for the services described in subsection (a) on a quarterly basis during such time as a plan under subchapter II of that chapter is in effect.”.

Beginning on page 135, strike line 19 and all that follows through page 136, line 2, and insert the following:

SEC. 406. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

(a) **APPOINTMENT.**—Section 1102(a)(2) of title 11, United States Code, is amended by inserting before the first sentence the fol-

lowing: “On its own motion or on request of a party in interest, and after notice and hearing, the court may order a change in the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders. The court may increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))). The court shall increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))) upon the request of the small business concern, if the court determines that the creditor holds claims (of the kind represented by the committee) the aggregate amount of which, in comparison to the annual gross revenue of that creditor, is disproportionately large.”.

(b) **INFORMATION.**—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

“(3) A committee appointed under subsection (a) shall—

“(A) provide access to information for creditors who—

“(i) hold claims of the kind represented by that committee; and

“(ii) are not appointed to the committee;

“(B) solicit and receive comments from the creditors described in subparagraph (A); and

“(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A).”.

On page 145, between lines 15 and 16, insert the following:

SEC. 420. MORE COMPLETE INFORMATION REGARDING ASSETS OF THE ESTATE.

(a) **IN GENERAL.**—

(1) **DISCLOSURE.**—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States, after consideration of the views of the Director of the Executive Office for the United States Trustees, shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms directing debtors under chapter 11 of title 11, United States Code, to disclose the information described in paragraph (2) by filing and serving periodic financial and other reports designed to provide such information.

(2) **INFORMATION.**—The information referred to in paragraph (1) is the value, operations, and profitability of any closely held corporation, partnership, or of any other entity in which the debtor holds a substantial or controlling interest.

(b) **PURPOSE.**—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest taking steps to ensure that the debtor's interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

On page 150, line 14, insert “and other required government filings” after “returns”.

On page 150, line 19, insert “and other required government filings” after “returns”.

On page 152, strike lines 19 through 21 and insert the following:

(a) **DUTIES IN CHAPTER 11 CASES.**—Subchapter I of title 11, United States Code, as amended by section 321 of this Act, is amended by adding at the end the following:

On page 153, line 1, strike “1115” and insert “1116”.

On page 153, line 7, strike “3” and insert “7”.

On page 154, line 9, strike the semicolon and insert “and other required government filings; and”.

On page 154, strike lines 14 through 25.

On page 155, strike line 7 and all that follows through the matter between lines 9 and 10 and insert the following:

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

“1116. Duties of trustee or debtor in possession in small business cases.

On page 156, line 19, strike “150” and insert “175”.

On page 156, line 20, strike “150-day” and insert “175-day”.

On page 158, strike line 2 and insert “the end and inserting a semicolon; and”.

On page 162, strike lines 14 through 20 and insert the following:

“(A) a plan with a reasonable possibility of being confirmed will be filed within a reasonable period of time; and

On page 162, line 21, strike “reason is” and insert “grounds include”.

On page 162, line 22, strike “that”.

On page 162, line 23, insert “for which” before “there exists”.

On page 163, line 1, strike “(ii)(I)” and insert “(ii)”.

On page 163, line 1, strike “that act or omission” and insert “which”.

On page 163, line 3, strike “, but not” and all that follows through line 8 and insert a period.

On page 163, line 22, insert after "failure to maintain appropriate insurance" the following: "that poses a risk to the estate or to the public".

On page 164, line 3, insert "repeated" before "failure".

On page 165, line 2, strike "and".

On page 165, line 3, insert "confirmed" before "plan".

On page 165, line 4, strike the period and insert "; and".

On page 165, between lines 4 and 5, insert the following:

"(P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.

On page 165, line 23, insert "or an examiner" after "trustee".

On page 167, after line 21, insert the following:

SEC. 435. TECHNICAL CORRECTION.

Section 365(b)(2)(D) of title 11, United States Code, is amended by striking "penalty rate or provision" and inserting "penalty rate or penalty provision".

On page 169, line 6, insert "as amended by section 430 of this Act," after "Code,".

On page 183, line 20, strike all through line 13 on page 187.

On page 232, line 7, strike all after "by" through line 8 and insert "striking '7, 11, 12, or 13' and inserting '7, 11, 12, 13, or 15'".

On page 266, line 13, insert "**and family fishermen**" after "**farmers**".

On page 268, insert between lines 16 and 17 the following:

SEC. 1005. FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

"(7A) 'commercial fishing operation' includes—

"(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products; and

"(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A);";

"(7B) 'commercial fishing vessel' means a vessel used by a fisherman to carry out a commercial fishing operation;";

(2) by inserting after paragraph (19) the following:

"(19A) 'family fisherman' means—

"(A) an individual or individual and spouse engaged in a commercial fishing operation (including aquaculture for purposes of chapter 12)—

"(i) whose aggregate debts do not exceed \$1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual

and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

"(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

"(B) a corporation or partnership—

"(i) in which more than 50 percent of the outstanding stock or equity is held by—

"(I) 1 family that conducts the commercial fishing operation; or

"(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

"(ii) (I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

"(II) its aggregate debts do not exceed \$1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

"(III) if such corporation issues stock, such stock is not publicly traded;"; and

(3) by inserting after paragraph (19A) the following:

"(19B) 'family fisherman with regular annual income' means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;".

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting "or family fisherman" after "family farmer".

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting "**OR FISHERMAN**" after "**FAMILY FARMER**";

(2) in section 1201, by adding at the end the following:

"(e)(1) Notwithstanding any other provision of law, for purposes of this subsection, a guarantor of a claim of a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.

"(2) For purposes of a claim that arises from the ownership or operation of a commercial fishing operation, a co-maker of a loan made by a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.";

(3) in section 1203, by inserting "or commercial fishing operation" after "farm";

(4) in section 1206, by striking "if the property is farmland or farm equipment" and inserting "if the property is farmland, farm equipment, or property of a commercial fishing operation (including a commercial fishing vessel)"; and

(5) by adding at the end the following:

"§ 1232. Additional provisions relating to family fishermen

"(a)(1) Notwithstanding any other provision of law, except as provided in subsection (c), with respect to any commercial fishing vessel of a family fisherman, the debts of that family fisherman shall be treated in the manner prescribed in paragraph (2).

"(2)(A) For purposes of this chapter, a claim for a lien described in subsection (b) for a commercial fishing vessel of a family fisherman that could, but for this subsection, be subject to a lien under otherwise applicable maritime law, shall be treated as an unsecured claim.

"(B) Subparagraph (A) applies to a claim for a lien resulting from a debt of a family fisherman incurred on or after the date of enactment of this chapter.

"(b) A lien described in this subsection is—

"(1) a maritime lien under subchapter III of chapter 313 of title 46 without regard to whether that lien is recorded under section 31343 of title 46; or

"(2) a lien under applicable State law (or the law of a political subdivision thereof).

"(c) Subsection (a) shall not apply to—

"(1) a claim made by a member of a crew or a seaman including a claim made for—

"(A) wages, maintenance, or cure; or

"(B) personal injury; or

"(2) a preferred ship mortgage that has been perfected under subchapter II of chapter 313 of title 46.

"(d) For purposes of this chapter, a mortgage described in subsection (c)(2) shall be treated as a secured claim."

(d) CLERICAL AMENDMENTS.—

(1) TABLE OF CHAPTERS.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

"12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income 1201".

(2) TABLE OF SECTIONS.—The table of sections for chapter 12 of title 11, United States Code, is amended by adding at the end the following new item:

"1232. Additional provisions relating to family fishermen."

On page 281, line 21, strike "714" and insert "315".

On page 282, line 11, strike "(a)(9)" and insert "(a)(8)".

On page 282, line 13, strike "and".

On page 282, between lines 13 and 14, insert the following:

(3) in subsection (a)(15), as so transferred, by striking "paragraph (5)" and inserting "paragraph (4)"; and

On page 282, line 14, strike "(3)" and insert "(4)".

Beginning on page 292, strike line 10 and all that follows through page 294, line 11.

On page 294, insert between lines 11 and 12 the following:

SEC. 1127. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) For a case commenced—

"(A) under chapter 7 of title 11, \$160; or

"(B) under chapter 13 of title 11, \$150."

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) 46.88 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

"(B) 73.33 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;";

(2) in paragraph (2) by striking "one-half" and inserting "three-fourths"; and

(3) in paragraph (4) by striking "one-half" and inserting "100 percent".

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking "pursuant to 28 U.S.C. section 1930(b) and 30.76 per centum of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931" and inserting "under section 1930(b) of title 28, United States Code, and 25 percent of the fees collected under section 1930(a)(1)(A) of that title, 26.67 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title".

**HATCH (AND TORRICELLI)
AMENDMENT NO. 1729**

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

On page 30, line 11, insert ", including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title," after "under this title".

On page 30, lines 14 and 15, strike "or legal guardian; or" and insert ", legal guardian, or responsible relative; or".

On page 30, line 21, strike "or legal guardian".

On page 31, line 10, strike "or legal guardian" and insert ", legal guardian, or responsible relative".

On page 32, line 9, strike all through line 3 on page 33 and insert the following:

"(1) First:

"(A) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such child, without regard to whether the claim is filed by such person or is filed by a governmental unit on behalf of that person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

"(B) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date the petition was filed are assigned by a spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a governmental unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law."

On page 33, line 4, strike all through page 37, line 6 and insert the following:

SEC. 213. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

"(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that first become payable after the date on which the petition is filed.";

(2) in section 1208(c)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(10) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.";

(3) in section 1222(a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(4) only if the plan provides that all of the debtor's projected disposable income for a 5-year period, beginning on the date that the first payment is due under the plan, will be applied to make payments under the plan.";

(4) in section 1222(b)—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following:

"(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are non-dischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making

provision for full payment of all allowed claims;";

(5) in section 1225(a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order for such obligation that first become payable after the date on which the petition is filed.";

(6) in section 1228(a), in the matter preceding paragraph (1), by inserting ", and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid" after "completion by the debtor of all payments under the plan";

(7) in section 1307(c)—

(A) in paragraph (9), by striking "or" at the end;

(B) in paragraph (10), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(1) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.";

(8) in section 1322(a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding in the end the following:

"(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(2) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.";

(9) in section 1322(b)—

(A) in paragraph (9), by striking "; and" and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) inserting after paragraph (9) the following:

"(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are non-dischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and";

(10) in section 1325(a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid amounts payable after the date on which the petition is filed.";

(11) in section 1328(a), in the matter preceding paragraph (1), by inserting ", and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under

such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid" after "completion by the debtor of all payments under the plan".

On page 37, strike lines 10 and 11 and insert "amended by striking paragraph (2) and inserting the".

On page 37, lines 14 and 15, strike "of an action or proceeding for—" and insert "or continuation of a civil action or proceeding—".

On page 37, line 16, insert "for" after "(i)".

On page 37, line 19, insert "for" after "(ii)".

On page 37, line 21, strike "or".

On page 37, between lines 21 and 22, insert the following:

"(iii) concerning child custody or visitation;

"(iv) for the dissolution of a marriage except to the extent that such a proceeding seeks to determine the division of property which is property of the estate; or

"(v) regarding domestic violence;

On page 37, line 24, strike the quotation marks and second semicolon.

On page 37, after line 24, add the following:

"(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation pursuant to a judicial or administrative order—

"(i) for amounts that first become payable after the date the petition was filed; and

"(ii) for amounts that first became payable before the petition was filed;

"(D) the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses under State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16));

"(E) the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

"(F) the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)) or under an analogous State law; or

"(G) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.).";

On page 38, line 12, strike all through page 39, line 25.

On page 40, between lines 13 and 14, insert the following:

(i) by inserting "to a spouse, former spouse, or child of the debtor and" before "not of the kind";

On page 40, line 14, strike "(i)" and insert "(ii)".

On page 40, line 16, strike "(ii)" and insert "(iii)".

On page 40, insert between lines 18 and 19 the following:

(C) by striking paragraph (18); and

On page 43, strike lines 16 through 20 insert the following:

Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a domestic support obligation that first becomes payable after the date on which the petition is filed" after "dependent of the debtor".

On page 43, strike line 22 through page 44, line 2, and insert the following:

Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a domestic support obligation that first becomes payable after the date on which the petition is filed" after "dependent of the debtor".

On page 44, line 14, strike "for support" through line 16, and insert "for a domestic support obligation."

On page 45, line 23, strike "and".

On page 45, between lines 23 and 24, insert the following:

"(III) the last recent known name and address of the debtor's employer; and

On page 45, line 24, strike "(III)" and insert "(IV)".

On page 46, strike lines 6 through 11 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 46, line 19, strike "(b)" and insert "(a)".

On page 46, line 20, strike "(5)" and insert "(6)".

On page 46, line 22, strike "(6)" and insert "(7)".

On page 47, strike lines 1 through 6 and insert the following:

"(8) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

On page 48, line 7, strike "and".

On page 48, insert between lines 7 and 8 the following:

"(III) the last recent known name and address of the debtor's employer; and"

On page 48, line 8, strike "(III)" and insert "(IV)".

On page 48, strike lines 15 through 20 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 49, strike lines 9 through 14 and insert the following:

"(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

On page 50, line 16, strike "and".

On page 50, insert between lines 16 and 17 the following:

"(III) the last recent known name and address of the debtor's employer; and"

On page 50, line 17, strike "(III)" and insert "(IV)".

On page 50, line 24, strike all through line 4 on page 51 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 51, strike lines 19 through 24 and insert the following:

"(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (d)."; and

On page 52, line 24, strike "and".

On page 52, after line 24, add the following:

"(III) the last recent known name and address of the debtor's employer; and"

On page 53, line 1, strike "(III)" and insert "(IV)".

On page 53, strike lines 8 through 12 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 82, strike lines 4 through 9 and insert "title 11, United States Code, is amended by adding at the end the following:".

On page 82, line 10, strike "(19)" and insert "(18)".

On page 165, line 2, strike "and".

On page 165, line 4, strike the period and insert "; and".

On page 165, between lines 4 and 5, insert the following:

"(P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.

GRASSLEY (AND OTHERS)

AMENDMENT NO. 1730

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself, Mr. TORRICELLI, and Mr. LEAHY) submitted an amendment intended to be proposed to the bill, S. 625, supra; as follows:

Redesignate titles XI and XII as titles XII and XIII, respectively.

After title X, insert the following:
TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

SEC. 1101. DEFINITIONS.

(a) HEALTH CARE BUSINESS DEFINED.—Section 101 of title 11, United States Code, as amended by section 1003(a) of this Act, is amended—

(1) by redesignating paragraph (27A) as paragraph (27B); and

(2) inserting after paragraph (27) the following:

"(27A) 'health care business'—

"(A) means any public or private entity (without regard to whether that entity is organized for profit or not for profit) that is primarily engaged in offering to the general public facilities and services for—

"(i) the diagnosis or treatment of injury, deformity, or disease; and

"(ii) surgical, drug treatment, psychiatric or obstetric care; and

"(B) includes—

"(i) any—

"(I) general or specialized hospital;

"(II) ancillary ambulatory, emergency, or surgical treatment facility;

"(III) hospice;

"(IV) home health agency; and

"(V) other health care institution that is similar to an entity referred to in subclause (I), (II), (III), or (IV); and

"(ii) any long-term care facility, including any—

"(I) skilled nursing facility;

"(II) intermediate care facility;

"(III) assisted living facility;

"(IV) home for the aged;

"(V) domiciliary care facility; and

"(VI) health care institution that is related to a facility referred to in subclause (I), (II), (III), (IV), or (V), if that institution is primarily engaged in offering room, board, laundry, or personal assistance with activities of daily living and incidentals to activities of daily living;".

(b) PATIENT DEFINED.—Section 101 of title 11, United States Code, as amended by subsection (a) of this section, is amended by inserting after paragraph (40) the following:

"(40A) 'patient' means any person who obtains or receives services from a health care business;".

(c) PATIENT RECORDS DEFINED.—Section 101 of title 11, United States Code, as amended by subsection (b) of this section, is amended by inserting after paragraph (40A) the following:

"(40B) 'patient records' means any written document relating to a patient or record recorded in a magnetic, optical, or other form of electronic medium;".

(d) RULE OF CONSTRUCTION.—The amendments made by subsection (a) of this section shall not affect the interpretation of section 109(b) of title 11, United States Code.

SEC. 1102. DISPOSAL OF PATIENT RECORDS.

(a) IN GENERAL.—Subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

"§ 351. Disposal of patient records

"If a health care business commences a case under chapter 7, 9, or 11, and the trustee does not have a sufficient amount of funds to pay for the storage of patient records in the manner required under applicable Federal or State law, the following requirements shall apply:

"(1) The trustee shall—

"(A) publish notice, in 1 or more appropriate newspapers, that if patient records are

not claimed by the patient or an insurance provider (if applicable law permits the insurance provider to make that claim) by the date that is 90 days after the date of that notification, the trustee will destroy the patient records; and

"(B) during the 90-day period described in subparagraph (A), attempt to notify directly each patient that is the subject of the patient records concerning the patient records by mailing to the last known address of that patient an appropriate notice regarding the claiming or disposing of patient records.

"(2) If after providing the notification under paragraph (1), patient records are not claimed during the 90-day period described under that paragraph, the trustee shall mail, by certified mail, at the end of such 90-day period a written request to each appropriate Federal or State agency to request permission from that agency to deposit the patient records with that agency.

"(3) If, after providing the notification under paragraph (1), patient records are not claimed during the 90-day period described in paragraph (1)(A) or in any case in which a notice is mailed under paragraph (1)(B), during the 90-day period beginning on the date on which the notice is mailed, by a patient or insurance provider in accordance with that paragraph, the trustee shall destroy those records by—

"(A) if the records are written, shredding or burning the records; or

"(B) if the records are magnetic, optical, or other electronic records, by otherwise destroying those records so that those records cannot be retrieved."

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 350 the following:

"351. Disposal of patient records."

SEC. 1103. ADMINISTRATIVE EXPENSE CLAIM FOR COSTS OF CLOSING A HEALTH CARE BUSINESS.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) the actual, necessary costs and expenses of closing a health care business incurred by a trustee or by a Federal agency (as that term is defined in section 551(1) of title 5) or a department or agency of a State or political subdivision thereof, including any cost or expense incurred—

"(A) in disposing of patient records in accordance with section 351; or

"(B) in connection with transferring patients from the health care business that is in the process of being closed to another health care business."

SEC. 1104. APPOINTMENT OF OMBUDSMAN TO ACT AS PATIENT ADVOCATE.

(a) IN GENERAL.—

(1) APPOINTMENT OF OMBUDSMAN.—Subchapter II of chapter 3 of title 11, United States Code, is amended by inserting after section 331 the following:

"§332. Appointment of ombudsman

"(a) Not later than 30 days after a case is commenced by a health care business under chapter 7, 9, or 11, the court shall appoint an ombudsman with appropriate expertise in monitoring the quality of patient care to represent the interests of the patients of the health care business. The court may appoint as an ombudsman a person who is serving as a State Long-Term Care Ombudsman appointed under title III or VII of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq. and 3058 et seq.).

"(b) An ombudsman appointed under subsection (a) shall—

"(1) monitor the quality of patient care, to the extent necessary under the circumstances, including reviewing records and interviewing patients and physicians;

"(2) not later than 60 days after the date of appointment, and not less frequently than every 60 days thereafter, report to the court, at a hearing or in writing, regarding the quality of patient care at the health care business involved; and

"(3) if the ombudsman determines that the quality of patient care is declining significantly or is otherwise being materially compromised, notify the court by motion or written report, with notice to appropriate parties in interest, immediately upon making that determination.

"(c) An ombudsman shall maintain any information obtained by the ombudsman under this section that relates to patients (including information relating to patient records) as confidential information."

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 331 the following:

"332. Appointment of ombudsman."

(b) COMPENSATION OF OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended—

(1) in the matter proceeding subparagraph (A), by inserting "an ombudsman appointed under section 331, or" before "a professional person"; and

(2) in subparagraph (A), by inserting "ombudsman," before "professional person".

SEC. 1105. DEBTOR IN POSSESSION; DUTY OF TRUSTEE TO TRANSFER PATIENTS.

(a) IN GENERAL.—Section 704(a) of title 11, United States Code, as amended by section 219 of this Act, is amended—

(1) in paragraph (9), by striking "and" at the end;

(2) in paragraph (10), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(11) use all reasonable and best efforts to transfer patients from a health care business that is in the process of being closed to an appropriate health care business that—

"(A) is in the vicinity of the health care business that is closing;

"(B) provides the patient with services that are substantially similar to those provided by the health care business that is in the process of being closed; and

"(C) maintains a reasonable quality of care."

(b) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, is amended by striking "704(2), 704(5), 704(7), 704(8), and 704(9)" and inserting "704(a) (2), (5), (7), (8), (9), and (11)".

SEC. 1106. ESTABLISHMENT OF POLICY AND PROTOCOLS RELATING TO BANKRUPTCIES OF HEALTH CARE BUSINESSES.

Not later than 30 days after the date of enactment of this Act, the Attorney General of the United States, in consultation with the Secretary of Health and Human Services, shall establish a policy and protocols for coordinating a response to bankruptcies of health care businesses (as that term is defined in section 101 of title 11, United States Code).

SEC. 1107. EXCLUSION FROM PROGRAM PARTICIPATION NOT SUBJECT TO AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, as amended by section 901(d) of this Act, is amended—

(1) in paragraph (27), by striking "or" at the end;

(2) in paragraph (28), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (28) the following:

"(29) under subsection (a), of the exclusion by the Secretary of Health and Human Services of the debtor from participation in the Medicare program or any other Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a-7b(f)) pursuant to title XI of such Act (42 U.S.C. 1301 et seq.) or title XVIII of such Act (42 U.S.C. 1395 et seq.)."

**GRASSLEY (AND OTHERS)
AMENDMENT NO. 1731**

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself, Mr. TORRICELLI, Mr. SPECTER, Mr. FEINGOLD, and Mr. BIDEN) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

On page 145, between lines 15 and 16, insert the following:

SEC. 420. BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking "Notwithstanding section 1915 of this title, the parties" and inserting "Subject to subsection (f), the parties"; and

(2) by adding at the end the following:

"(f)(1) The Judicial Conference of the United States shall prescribe procedures for waiving fees under this subsection.

"(2) Under the procedures described in paragraph (1), the district court or the bankruptcy court may waive a filing fee described in paragraph (3) for a case commenced under chapter 7 of title 11 if the court determines that an individual debtor whose income is less than 125 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved is unable to pay that fee in installments.

"(3) A filing fee referred to in paragraph (2) is—

"(A) a filing fee under subsection (a)(1); or

"(B) any other fee prescribed by the Judicial Conference of the United States under subsection (b) that is payable to the clerk of the district court or the clerk of the bankruptcy court upon the commencement of a case under chapter 7 of title 11.

"(4) In addition to waiving a fee under paragraph (2), the district court or the bankruptcy court may waive any other fee prescribed under subsection (b) or (c) if the court determines that the individual with an income at a level described in paragraph (2) is unable to pay that fee in installments."

● Mr. GRASSLEY. Mr. President, I'm submitting several amendments at this time in order to comply with the unanimous-consent agreement requiring the filing of amendments. The amendments I'm filing now are indications of what I intend to offer when the Senate is cleared to consider the bankruptcy bill later this year. As such, each amendment is a work in progress. I would therefore caution my colleagues not to view these amendments as cast in stone. In particular, Senator TORRICELLI and I are negotiating with the chairman of the Banking Committee on the details of the credit card disclosure amendment. ●

GRASSLEY (AND TORRICELLI)
AMENDMENT NO. 1732

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

On page 6, line 12, insert "11 or" after "chapter".

On page 6, line 24, insert "11 or" after "chapter".

On page 12, lines 21 and 22, strike "was not substantially justified" and insert "was frivolous".

On page 14, strike lines 8 through 14 and insert the following:

"(C)(i) No judge, United States trustee, panel trustee, bankruptcy administrator, or other party in interest shall bring a motion under section 707(b)(2) if the debtor and the debtor's spouse combined, as of the date of the order for relief, have current monthly total income equal to or less than the national or applicable State median household monthly income calculated (subject to clause (ii)) on a semiannual basis of a household of equal size.

"(ii) For a household of more than 4 individuals, the median income shall be that of a household of 4 individuals, plus \$583 for each additional member of that household."

On page 14, in the matter between lines 18 and 19, insert "11 or" after "chapter".

On page 14, after the matter between lines 18 and 19, insert the following:

SEC. 103. FINDINGS AND STUDY.

(a) FINDINGS.—Congress finds that the Secretary of the Treasury has the inherent authority to alter the Internal Revenue Service standards established to set guidelines for repayment plans as needed to accommodate their use under section 707(b) of title 11, United States Code.

(b) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Director of the Executive Office of United States Trustees, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the findings of the Secretary concerning the utilization of Internal Revenue Service standards for determining—

(A) the current monthly expenses of a debtor under section 707(b) of title 11, United States Code; and

(B) the impact that the application of those standards has had on debtors and on the bankruptcy courts.

(2) RECOMMENDATION.—The report under paragraph (1) may include recommendations for amendments to title 11, United States Code, that are consistent with the findings of the Secretary of the Treasury under paragraph (1).

On page 14, line 19, strike "103" and insert "104".

On page 15, line 12, strike "104" and insert "105".

On page 17, line 19, strike "105" and insert "106".

On page 40, line 4, insert "as amended by section 1110(1) of this Act," after "Code,".

On page 40, line 20, strike "(6)" and insert "(5)".

On page 41, line 4, strike "(5)" and insert "(4)".

On page 41, line 7, strike "(5)" and insert "(4)".

On page 41, line 12, strike "(5)" and insert "(4)".

On page 46, line 2, strike "(2), (4), or (14A)" and insert "(2), (3), or (14)".

On page 46, line 19, strike "(b)" and insert "(a)".

On page 47, line 8, strike "(b)(7)" and insert "(a)(7)".

On page 48, line 11, strike "(4), or (14A)" and insert "(3), or (14)".

On page 50, line 20, strike "(4), or (14A)" and insert "(3), or (14)".

On page 53, line 4, strike "(4), or (14A)" and insert "(3), or (14)".

On page 76, line 15, strike "523(a)(9)" and insert "523(a)(8)".

On page 91, between lines 18 and 19, insert the following:

(c) MODIFICATION OF A RESTRICTION RELATING TO WAIVERS.—Section 522(e) of title 11, United States Code, is amended—

(1) in the first sentence, by striking "subsection (b) of this section" and inserting "subsection (b), other than under paragraph (3)(C) of that subsection"; and

(2) in the second sentence—

(A) by inserting "(other than property described in subsection (b)(3)(C))" after "property" each place it appears; and

(B) by inserting "(other than a transfer of property described in subsection (b)(3)(C))" after "transfer" each place it appears.

On page 91, line 23, strike "105(d)" and insert "106(d)".

On page 92, strike line 17 and insert the following:

(2) in section 521, as amended by section 106 of this Act, by adding at the end the following:

On page 92, line 18, strike "(b)" and insert "(c)".

On page 93, line 3, strike "(2)" and insert "(3)".

On page 94, line 25, strike "105(d)" and insert "106(d)".

On page 95, line 16, strike "(c)" and insert "(d)".

On page 109, line 13, strike "by adding at the end" and insert "by inserting after subsection (e)".

On page 111, strike lines 16 and 17 and insert the following:

SEC. 314. DISCHARGE PETITIONS.

On page 111, line 18, insert "(a) DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.—" before "Section".

On page 112, line 14, insert a dash after the period.

On page 112, line 19, strike "(4)" and insert "(3)".

On page 112, line 20, strike "(3)(B), (5), (8), or (9) of section 523(a)" and insert "(4), (7), or (8) of section 523(a)".

On page 113, strike line 6 and all that follows through page 114, line 19 and insert the following:

(a) NOTICE.—

(1) IN GENERAL.—Section 342 of title 11, United States Code, as amended by section 103 of this Act, is amended—

(A) by striking subsection (c);

(B) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(C) by inserting before subsection (b), as redesignated, the following:

"(a) In this section:

"(1)(A) The term 'debtor identifying information' means—

"(i) the debtor's name, address, and Federal taxpayer identification number; and

"(ii) if the information is being provided to a governmental entity, the identity of the specific department, agency, or instrumentality of the governmental unit on account of which the entity is being given notice.

"(B) In any notice a debtor provides under this title or the Federal Rules of Bankruptcy Procedure, the debtor's current account number, or other identifying number, that has been provided to the debtor or used in prior communications between the debtor and an entity shall be used when notice is given to such an entity.

"(2) The term 'notice' includes any correspondence to the entity after the commencement of the case and any notice required to be given the entity under this title or the Federal Rules of Bankruptcy Procedure.

"(3) The term 'effective notice' with respect to an entity means that notice has been served on the entity—

"(A) at the address specified under subsection (e); or

"(B) if no address is specified under subsection (e), at an address otherwise designated by this title, the Federal Rules of Bankruptcy Procedure, or applicable non-bankruptcy law for service of process to initiate a civil proceeding against the party to be notified or by court order for service on such entity in the case"; and

(D) by adding after subsection (c), as redesignated, the following:

"(d)(1) If notice is required to be given by the debtor or by the court or on the debtor's behalf to an entity under this title, any applicable law, or any order of the court, such notice shall contain debtor identifying information in addition to any other required information. Such identifying information may be provided in the notice or in a separate document provided with or attached to the notice.

"(2) A petition under this title shall contain the debtor's name, address and Federal taxpayer identification number.

"(e)(1) At any time, an entity may file with the court a designation of the address or addresses at which the entity is to receive notice in cases under this title. The clerk shall maintain and make available to any entity making a request, a register in which shall be listed, alphabetically by name, the name and address or addresses for those entities which have provided the designation described in this paragraph. The register shall be maintained and made available in the form and manner as the Director of the Administrative Office for the United States Courts prescribes. The clerk shall update such register no less frequently than once each calendar month with the information contained in any designation so filed.

"(2) Subject to paragraph (3), the addresses specified in the register shall be the address to which all notices to the entity shall be sent, effective 5 business days after the date on which the information is first listed in the register.

"(3) In a particular case, an entity may file with the court and serve on the debtor and on other parties in the case notice of a different address to be used for service in that particular case. Effective 5 business days after service of such notice, any further notices that are required to be given to that entity in that case shall be given at that address.

"(f)(1)(A) Subject to the other paragraphs of this subsection and subparagraph (B), if effective notice of an action, proceeding or time within which an entity is required or permitted under this title or the Federal Rules of Bankruptcy Procedures to act or to refrain from taking action is not given to an entity—

"(i) any action, proceeding or time of which the entity was not given effective notice shall not be effective with respect to that entity; and

"(ii) any creditor which has not received effective notice shall receive the equivalent of the treatment which similar entities similarly situated received in the proceeding.

"(B) Nothing in this section shall affect the immediate applicability of the automatic stay under section 362(a).

"(2) Subject to paragraph (4), if effective notice of the commencement of the case was

not given to a creditor at the times required by this title and the Federal Rules of Bankruptcy Procedures (determined without regard to paragraph (3)) the creditor's debt shall be subject to discharge only if—

“(A) the court, after notice and a hearing, finds that effective notice of the commencement of the case was given the creditor in time to permit the creditor's effective participation in the case, except that the court may not so find if effective notice is given after—

“(i) if the debt is of a kind specified in paragraph (2), (3), or (5) of section 523(a) of this title, 30 days before the last date to file a proceeding to determine the dischargeability of a debt; or

“(ii) if the debt is not of a kind specified in paragraph (2), (3), or (5) of section 523(a) of this title, 30 days before the last date for the creditor to file a proof of claim in the case; or

“(B) the creditor elects to file, within the time provided in paragraph (3), a proof of claim, or a proceeding to determine the dischargeability of the debt, and such filings shall be deemed to be timely under this title and the Federal Rules of Bankruptcy Procedure.

“(3)(A) If a time is specified by or within which an entity is required or permitted under this title or the Federal Rules of Bankruptcy Procedure to act or to refrain from taking action, such time shall begin to run against that entity only—

“(i) except as provided in paragraph (ii), when effective notice is given the entity; or

“(ii) if notice is effective only because the party claiming that effective notice was given establishes that there was actual knowledge upon the later of—

“(I) the date of actual knowledge; or

“(II) the date on which such notice should otherwise have been provided.

“(B) If no time is specified by or within which an entity is required or permitted to act under this title or the Federal Rules of Bankruptcy Procedure—

“(i) the entity shall have a minimum of 30 days, or such longer time as the court allowed to other entities, to take such required or permitted action after effective notice is given; and

“(ii) in a particular case, a court may, for good cause shown and after notice and a hearing, adjust any requirements of clause (i) which are not practicable in the circumstances, except that an entity may not be required to act before a reasonable time after effective notice is given the entity so as to allow the entity to take the required or permitted action.

“(4)(A) In a case filed under chapter 7 by an individual, a creditor's debt that is not subject to discharge under paragraphs (1) through (3), shall be subject to discharge, if—

“(i) the trustee has determined that no assets are or will be available to pay a dividend to creditors in the case with the same priority as the creditor; and

“(ii) the court has granted a debtor's request to permit amending the schedules to list the creditor or otherwise to subject the creditor's debt to discharge (including by reopening the debtor's case if necessary).

“(B)(i) Before granting a request under subparagraph (A) by the debtor, the court shall require the debtor to give the creditor effective notice of the case and provide the creditor with a minimum of 30 days to object to such request. The court shall grant such request unless the creditor files a timely objection.

“(ii) If the creditor files a timely objection the court shall not grant the request unless the court finds, after notice and a hearing, that—

“(I) the debtor has established that the failure to list the creditor was based upon excusable neglect, and

“(II) the creditor will not be prejudiced by being included in the case at the present time.

“(C) Any creditor listed by the debtor under this paragraph may file a proof of claim, a proceeding to determine the dischargeability of the debt, and any other action allowed or permitted by this title and the Federal Rules of Bankruptcy Procedure within the time limits provided in paragraph (3). Such filings shall be deemed to be timely under this title and the Federal Rules of Bankruptcy Procedure.

“(5) If there is an omission by the debtor of information required by this title or the Federal Rules of Bankruptcy Procedure to be included on the debtor's schedules, the omission shall be treated as a failure to provide effective notice under this subsection of the commencement of the case if the omitted information is material to the matter with respect to which notice is required.

“(g)(1) No sanction, including an award of attorneys fees or costs, under section 362(h) of this title or any other sanction which a court may impose on account of violations of the stay under section 362(a) of this title or failure to comply with sections 524(a), 542, or 543 of this title may be imposed on account of any action of an entity unless the action takes place after the entity has received effective notice of the commencement of the case, or with respect to section 524(a), the discharge of a debt owed the entity.

“(2) Nothing in this subsection shall be deemed to require a court to impose sanctions on an entity in circumstances other than those described in this paragraph.”

(2) ADOPTION OF RULES PROVIDING NOTICE.—

(A) SENSE OF CONGRESS.—It is the sense of Congress that the Judicial Conference of the United States shall promptly consult with appropriate parties, including representatives of Federal, State, and local government, with respect to the need for additional rules for providing adequate notice to State, Federal, and local government units that have regulatory authority over the debtor, and propose such rules within a reasonable period of time. Such rules shall be consistent with section 342 of title 11, United States Code, as amended by this section, and shall be designed to ensure that notice will reach the representatives of the governmental unit, or subdivision thereof, who will be the proper persons authorized to act upon the notice.

(B) RULES.—At a minimum, to the extent that it is determined that notice should be given to a particular regulatory entity, the rules shall require that the debtor, in addition to any other information required by section 342 of title 11, United States Code, shall—

(i) identify in the schedules and the notice, the department, agency, subdivision, instrumentality or entity in respect of which such notice should be received;

(ii) provide sufficient information in the list or schedule (such as case captions, permit numbers, taxpayer identification numbers, or similar identifying information) to permit the governmental unit or subdivision thereof, entitled to receive such notice, to identify the debtor or the person or entity on behalf of which the debtor is providing notice where the debtor may be a successor in interest or may not be the same as the person or entity which incurred the debt or obligation; and

(iii) identify, in appropriate schedules, which shall be required to be served on the governmental unit together with the notice, the property, if any, in respect of which any claim or regulatory obligation may have

arisen, and the nature of the claim or regulatory obligation for which notice is being given.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) EXCEPTIONS TO DISCHARGE.—Section 523 of title 11, United States Code, as amended by sections 215, 223(b), 224(c), 301, 310, 314, 414, and 1110 of this Act, is further amended—

(i) in subsection (a)—

(I) by striking paragraph (3); and

(II) redesignating paragraphs (4) through (14A) as paragraphs (3) through (14), respectively;

(ii) in subsection (b), by striking “(a)(3), or (a)(8) of this section,” and inserting “or (a)(7) of this section, section 342 of this title”;;

(iii) in subsection (c)(1), by striking “Except as provided in subsection (a)(3)(B) of this section,” and inserting “Except as provided in section 342(f),”; and

(iv) in subsection (c)(2)—

(I) by striking “(a)(4), (a)(6), or (a)(11)” and inserting “(a)(3), (a)(5), or (a)(10)”; and

(II) by striking “subsection (a)(3)(B) of this section” and inserting “section 342(f)”.

(B) CONFORMING AMENDMENTS.—

(i) ALLOWANCE OF CLAIMS OR INTERESTS.—Section 502(b)(5) of title 11, United States Code, is amended by striking “section 523(a)(5)” and inserting “section 523(a)(4)”.

(ii) EXEMPTIONS.—Section 522(c)(3) of title 11, United States Code, is amended by striking “section 523(a)(4) or 523(a)(6)” and inserting “section 523(a)(3) or (5)”.

(C) DISTRIBUTION OF PROPERTY OF THE ESTATE.—Section 726 of title 11, United States Code, is amended—

(i) in subsection (a)(2)(A), by adding “or” after the semicolon;

(ii) in subsection (a)(2)(B), by striking “or” after the semicolon;

(iii) by striking subsection (a)(2)(C); and

(iv) in subsection (a)(3), by striking all beginning with “, other” through “subsection”.

On page 116, line 16, strike “(d)(1)” and insert “(e)(1)”.

On page 117, line 5, strike “(e)” and insert “(f)”.

On page 118, line 1, strike “(A) beginning” and insert the following:

“(A) beginning”.

On page 118, line 5, strike “(B) thereafter,” and insert the following:

“(B) thereafter.”.

On page 118, line 8, strike “(f)(1)” and insert “(g)(1)”.

On page 118, strike line 23 and insert the following: “subsection (h)”.

On page 118, line 24, strike “(g)(1)” and insert “(h)(1)”.

On page 119, line 21, strike “(h)” and insert “(j)”.

On page 120, line 11, strike “(j)” and insert “(i)”.

On page 124, strike lines 7 through 14 and insert the following:

SEC. 321. CHAPTER 11 CASES FILED BY INDIVIDUALS.

(a) PROPERTY OF THE ESTATE.—

(1) IN GENERAL.—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

“§ 1115. Property of the estate

“In a case concerning an individual, property of the estate includes, in addition to the property specified in section 541—

“(1) all property of the kind specified in section 541 that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first; and

“(2) earnings from services performed by the debtor after the commencement of the

case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first."

(2) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

"1115. Property of the estate."

(b) CONTENTS OF PLAN.—Section 1123(a) of title 11, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(8) in a case concerning an individual, provide for the payment to creditors through the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan."

(c) CONFIRMATION OF PLAN.—

(1) REQUIREMENTS RELATING TO VALUE OF PROPERTY.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

"(14) In a case concerning an individual in which the holder of an allowed unsecured claim objects to the confirmation of the plan—

"(A) the value of the property to be distributed under the plan on account of such claim is, as of the effective date of the plan, not less than the amount of such claim; or

"(B) the value of the property to be distributed under the plan is not less than the debtor's projected disposable income (as that term is defined in section 1325(b)(2)) to be received during the 3-year period beginning on the date that the first payment is due under the plan, or during the term of the plan, whichever is longer."

(2) REQUIREMENT RELATING TO INTERESTS IN PROPERTY.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended by inserting before the period at the end the following: ", except that in a case concerning an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of subsection (a)(14)".

(d) EFFECT OF CONFIRMATION.—Section 1141(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "The confirmation of a plan does not discharge an individual debtor" and inserting "A discharge under this chapter does not discharge a debtor"; and

(2) by adding at the end the following:

"(5) In a case concerning an individual—

"(A) except as otherwise ordered for cause shown, the discharge is not effective until completion of all payment under the plan; and

"(B) at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if—

"(i) for each allowed unsecured claim, the value as of the effective date of the plan, of property actually distributed under the plan on account of that claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

"(ii) modification of the plan under 1127 of this title is not practicable."

(e) MODIFICATION OF PLAN.—Section 1127 of title 11, United States Code, is amended by adding at the end the following:

"(e) In a case concerning an individual, the plan may be modified at any time after con-

firmation of the plan but before the completion of payments under the plan, whether or not the plan has been substantially consummated, upon request of the debtor, the trustee, the United States trustee, or the holder of an allowed unsecured claim, to—

"(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

"(2) extend or reduce the time period for such payments; or

"(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim made other than under the plan."

Beginning on page 135, strike line 19 and all that follows through page 136, line 2, and insert the following:

SEC. 406. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

(a) APPOINTMENT.—Section 1102(a)(2) of title 11, United States Code, is amended by inserting before the first sentence the following: "On its own motion or on request of a party in interest, and after notice and hearing, the court may order a change in the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders. The court may increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))) if the court determines that the creditor holds claims (of the kind represented by the committee) the aggregate amount of which, in comparison to the annual gross revenue of that creditor, is disproportionately large."

(b) INFORMATION.—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

"(3) A committee appointed under subsection (a) shall—

"(A) provide access to information for creditors who—

"(i) hold claims of the kind represented by that committee; and

"(ii) are not appointed to the committee;

"(B) solicit and receive comments from the creditors described in subparagraph (A); and

"(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A)."

On page 145, between lines 15 and 16, insert the following:

SEC. 420. MORE COMPLETE INFORMATION REGARDING ASSETS OF THE ESTATE.

(a) IN GENERAL.—

(1) DISCLOSURE.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States, after consideration of the views of the Director of the Executive Office for the United States Trustees, shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms directing debtors under chapter 11 of title 11, United States Code, to disclose the information described in paragraph (2) by filing and serving periodic financial and other reports designed to provide such information.

(2) INFORMATION.—The information referred to in paragraph (1) is the value, operations, and profitability of any closely held corporation, partnership, or of any other entity in which the debtor holds a substantial or controlling interest.

(b) PURPOSE.—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest taking steps to ensure that the debtor's interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

On page 150, line 14, insert "and other required government filings" after "returns".

On page 150, line 19, insert "and other required government filings" after "returns".

On page 152, strike lines 19 through 21 and insert the following:

(a) DUTIES IN CHAPTER 11 CASES.—Subchapter I of title 11, United States Code, as amended by section 321 of this Act, is amended by adding at the end the following:

On page 153, line 1, strike "1115" and insert "1116".

On page 153, line 7, strike "3" and insert "7".

On page 154, line 9, strike the semicolon and insert "and other required government filings; and".

On page 154, strike lines 14 through 25.

On page 155, strike line 7 and all that follows through the matter between lines 9 and 10 and insert the following:

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

"1116. Duties of trustee or debtor in possession in small business cases.

On page 156, line 19, strike "150" and insert "175".

On page 156, line 20, strike "150-day" and insert "175-day".

On page 158, strike line 2 and insert "the end and inserting a semicolon; and".

On page 162, strike lines 14 through 20 and insert the following:

"(A) a plan with a reasonable possibility of being confirmed will be filed within a reasonable period of time; and

On page 162, line 21, strike "reason is" and insert "grounds include".

On page 162, line 22, strike "that".

On page 162, line 23, insert "for which" before "there exists".

On page 163, line 1, strike "(ii)(I)" and insert "(ii)".

On page 163, line 1, strike "that act or omission" and insert "which".

On page 163, line 3, strike " , but not" and all that follows through line 8 and insert a period.

On page 163, line 22, insert after "failure to maintain appropriate insurance" the following: "that poses a risk to the estate or to the public".

On page 164, line 3, insert "repeated" before "failure".

On page 165, line 3, insert "confirmed" before "plan".

On page 165, line 23, insert "or an examiner" after "trustee".

On page 167, after line 21, insert the following:

SEC. 435. TECHNICAL CORRECTION.

Section 365(b)(2)(D) of title 11, United States Code, is amended by striking "penalty rate or provision" and inserting "penalty rate or penalty provision".

On page 169, line 6, insert "as amended by section 430 of this Act," after "Code,".

On page 183, line 20, strike all through line 13 on page 187.

On page 232, line 7, strike all after "by" through line 8 and insert "striking '7, 11, 12, or 13' and inserting '7, 11, 12, 13, or 15'".

On page 266, line 13, insert "AND FAMILY FISHERMEN" after "FARMERS".

On page 268, insert between lines 16 and 17 the following:

SEC. 1005. FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

"(7A) 'commercial fishing operation' includes—

"(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products; and

“(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A);”;

“(7B) ‘commercial fishing vessel’ means a vessel used by a fisherman to carry out a commercial fishing operation;”;

(2) by inserting after paragraph (19) the following:

“(19A) ‘family fisherman’ means—

“(A) an individual or individual and spouse engaged in a commercial fishing operation (including aquaculture for purposes of chapter 12)—

“(i) whose aggregate debts do not exceed \$1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

“(ii) who receive from such commercial fishing operation more than 50 percent of such individual’s or such individual’s and spouse’s gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

“(B) a corporation or partnership—

“(i) in which more than 50 percent of the outstanding stock or equity is held by—

“(I) 1 family that conducts the commercial fishing operation; or

“(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

“(ii) (I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

“(II) its aggregate debts do not exceed \$1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

“(III) if such corporation issues stock, such stock is not publicly traded;”;

(3) by inserting after paragraph (19A) the following:

“(19B) ‘family fisherman with regular annual income’ means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;”.

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting “or family fisherman” after “family farmer”.

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting “OR FISHERMAN” after “FAMILY FARMER”;

(2) in section 1201, by adding at the end the following:

“(e)(1) Notwithstanding any other provision of law, for purposes of this subsection, a guarantor of a claim of a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.

“(2) For purposes of a claim that arises from the ownership or operation of a commercial fishing operation, a co-maker of a loan made by a creditor under this section shall be treated in the same manner as a

creditor with respect to the operation of a stay under this section.”;

(3) in section 1203, by inserting “or commercial fishing operation” after “farm”;

(4) in section 1206, by striking “if the property is farmland or farm equipment” and inserting “if the property is farmland, farm equipment, or property of a commercial fishing operation (including a commercial fishing vessel)”;

(5) by adding at the end the following:

“§ 1232. Additional provisions relating to family fishermen

“(a)(1) Notwithstanding any other provision of law, except as provided in subsection (c), with respect to any commercial fishing vessel of a family fisherman, the debts of that family fisherman shall be treated in the manner prescribed in paragraph (2).

“(2)(A) For purposes of this chapter, a claim for a lien described in subsection (b) for a commercial fishing vessel of a family fisherman that could, but for this subsection, be subject to a lien under otherwise applicable maritime law, shall be treated as an unsecured claim.

“(B) Subparagraph (A) applies to a claim for a lien resulting from a debt of a family fisherman incurred on or after the date of enactment of this chapter.

“(b) A lien described in this subsection is—

“(1) a maritime lien under subchapter III of chapter 313 of title 46, United States Code, without regard to whether that lien is recorded under section 31343 of title 46, United States Code; or

“(2) a lien under applicable State law (or the law of a political subdivision thereof).

“(c) Subsection (a) shall not apply to—

“(1) a claim made by a member of a crew or a seaman including a claim made for—

“(A) wages, maintenance, or cure; or

“(B) personal injury; or

“(2) a preferred ship mortgage that has been perfected under subchapter II of chapter 313 of title 46, United States Code.

“(d) For purposes of this chapter, a mortgage described in subsection (c)(2) shall be treated as a secured claim.”.

(d) CLERICAL AMENDMENTS.—

(1) TABLE OF CHAPTERS.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

“12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income 1201”.

(2) TABLE OF SECTIONS.—The table of sections for chapter 12 of title 11, United States Code, is amended by adding at the end the following new item:

“1232. Additional provisions relating to family fishermen.”.

On page 281, line 21, strike “714” and insert “315”.

On page 282, line 11, strike “(a)(9)” and insert “(a)(8)”.

On page 282, line 13, strike “and”.

On page 282, between lines 13 and 14, insert the following:

(3) in subsection (a)(15), as so transferred, by striking “paragraph (5)” and inserting “paragraph (4)”;

On page 282, line 14, strike “(3)” and insert “(4)”.

Beginning on page 292, strike line 10 and all that follows through page 294, line 11.

On page 294, insert between lines 11 and 12 the following:

SEC. 1127. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) For a case commenced—

“(A) under chapter 7 of title 11, \$160; or

“(B) under chapter 13 of title 11, \$150.”.

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

“(1)(A) 46.88 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

“(B) 73.33 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;”;

(2) in paragraph (2) by striking “one-half” and inserting “three-fourths”; and

(3) in paragraph (4) by striking “one-half” and inserting “100 percent”.

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking “pursuant to 28 U.S.C. section 1930(b) and 30.76 per centum of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931” and inserting “under section 1930(b) of title 28, United States Code, and 25 percent of the fees collected under section 1930(a)(1)(A) of that title, 26.67 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title”.

CRAIG AMENDMENT NO. 1733

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROPERTY NO LONGER SUBJECT TO REDEMPTION.

Section 541(b) of title 11, United States Code, is amended by adding at the end the following—

“(6) any interest of the debtor in property where the debtor has pledged or sold tangible personal property or other valuable things (other than securities or written or printed evidences of indebtedness or title) as collateral for a loan or advance of money, where—

(i) the debtor has no obligation to repay the money, redeem the collateral, or buy back the property at a stipulated price, and

(ii) neither the debtor nor the trustee have exercised any right to redeem provided under the contract or state law, in a timely manner as provided under state law and Section 108(b) of this title.”.

GRAHAM AMENDMENT NO. 1734

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

Beginning on page 289, line 4, strike all through page 290, line 12 and insert the following:

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENTS.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judgeship for the central district of California.

(B) One additional bankruptcy judgeship for the eastern district of California.

(C) One additional bankruptcy judgeship for the southern district of Florida.

(D) One additional bankruptcy judgeship for the southern district of Mississippi.

(E) One additional bankruptcy judgeship for the northern district of New York.

(F) One additional bankruptcy judgeship for the eastern district of New York.

(G) One additional bankruptcy judgeship for the southern district of New York.

(H) One additional bankruptcy judgeship for the eastern district of North Carolina.

(I) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(J) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(K) One additional bankruptcy judgeship for the district of Puerto Rico.

On page 294, insert between lines 11 and 12 the following:

(f) PERMANENT JUDGESHIPS.—The table under section 152(a)(2) of title 28, United States Code, is amended—

(1) in the item relating to Delaware by striking "1" and inserting "2";

(2) in the item relating to New Jersey by striking "8" and inserting "9";

(3) in the item relating to Maryland by striking "4" and inserting "7";

(4) in the item relating to the eastern district for Virginia by striking "5" and inserting "6";

(5) in the item relating to the western district for Tennessee by striking "4" and inserting "5";

(6) in the item relating to the central district for California by striking "21" and inserting "24";

(7) in the item relating to the southern district for Georgia by striking "2" and inserting "3"; and

(8) in the item relating to the southern district for Florida by striking "5" and inserting "7".

WELLSTONE (AND DORGAN)
AMENDMENT NO. 1735

(Ordered to lie on the table.)

Mr. WELLSTONE, (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

At the end of the bill, add the following:

**DIVISION 2—MORATORIUM ON LARGE
AGRIBUSINESS MERGERS**

SEC. 01. SHORT TITLE.

This division may be cited as the "Agribusiness Merger Moratorium and Antitrust Review Act of 1999".

SEC. 02. DEFINITIONS.

In this division:

(1) BROKER.—The term "broker" means any person engaged in the business of negotiating sales and purchases of any agricultural commodity in interstate or foreign commerce for or on behalf of the vendor or the purchaser.

(2) COMMISSION MERCHANT.—The term "commission merchant" means any person engaged in the business of receiving in interstate or foreign commerce any agricultural commodity for sale, on commission, or for or on behalf of another.

(3) DEALER.—The term "dealer" means any person (excluding agricultural cooperatives) engaged in the business of buying, selling, or marketing agricultural commodities in wholesale or jobbing quantities, as determined by the Secretary, in interstate or foreign commerce, except that no person shall be considered a dealer with respect to sales or marketing of any agricultural commodity of that person's own raising.

(4) PROCESSOR.—The term "processor" means any person (excluding agricultural cooperatives) engaged in the business of handling, preparing, or manufacturing (including slaughtering) of an agricultural commodity or the products of such agricultural commodity for sale or marketing for human consumption, except a person who manufactures (including slaughters) any product of any livestock or poultry owned by such person.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

**TITLE I—MORATORIUM ON LARGE
AGRIBUSINESS MERGERS**

SEC. 11. MORATORIUM ON LARGE AGRIBUSINESS MERGERS.

(a) IN GENERAL.—

(1) MORATORIUM.—Until the date referred to in paragraph (2) and except as provided in subsection (b)—

(A) no dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than \$100,000,000 shall merge or acquire, directly or indirectly, any voting securities or assets of any other dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than \$10,000,000; and

(B) no dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than \$10,000,000 shall merge or acquire, directly or indirectly, any voting securities or assets of any other dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than \$100,000,000 if the acquiring person would hold—

(i) 15 percent or more of the voting securities or assets of the acquired person; or

(ii) an aggregate total amount of the voting securities and assets of the acquired person in excess of \$15,000,000.

(2) DATE.—The date referred to in this paragraph is the earlier of—

(A) the effective date of comprehensive legislation—

(i) addressing the problem of market concentration in the agricultural sector; and

(ii) containing a section stating that the legislation is comprehensive legislation as provided in section 11 of the Agribusiness Merger Moratorium Act of 1999; or

(B) the date that is 18 months after the date of enactment of this Act.

(b) WAIVER AUTHORITY.—The Attorney General shall have authority to waive the moratorium imposed by subsection (a) only under extraordinary circumstances, such as insolvency or similar financial distress of 1 of the affected parties.

TITLE II—AGRICULTURE CONCENTRATION AND MARKET POWER REVIEW COMMISSION

SEC. 21. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Agriculture Concentration and Market Power Review Commission (hereafter in this title referred to as the "Commission").

(b) PURPOSES.—The purpose of the Commission is to—

(1) study the nature and consequences of concentration in America's agricultural economy; and

(2) make recommendations on how to change underlying antitrust laws and other Federal laws and regulations to keep a fair and competitive agriculture marketplace for family farmers, other small and medium sized agriculture producers, generally, and the communities of which they are a part.

(c) MEMBERSHIP OF COMMISSION.—

(1) COMPOSITION.—The Commission shall be composed of 12 members as follows:

(A) Three persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader of the Senate, after consultation with the Chairman of the Committee on Agriculture, Nutrition, and Forestry.

(B) Three persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Minority Leader of the Senate, after consultation with the ranking minority member of the Committee on Agriculture, Nutrition, and Forestry.

(C) Three persons shall be appointed by the Speaker of the House of Representatives, after consultation with the Chairman of the Committee on Agriculture.

(D) Three persons shall be appointed by the Minority Leader of the House of Representatives, after consultation with the ranking minority member of the Committee on Agriculture.

(2) QUALIFICATIONS OF MEMBERS.—

(A) APPOINTMENTS.—Persons who are appointed under paragraph (1) shall be persons who—

(i) have expertise in agricultural economics and antitrust or have other pertinent qualifications or experience relating to agriculture and agriculture industries; and

(ii) are not officers or employees of the United States.

(B) OTHER CONSIDERATION.—In appointing Commission members, every effort shall be made to ensure that the members—

(i) are representative of a broad cross sector of agriculture and antitrust perspectives within the United States; and

(ii) provide fresh insights to analyzing the causes and impacts of concentration in agriculture industries and sectors.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—Members shall be appointed not later than 60 days after the date of enactment of this Act and the appointment shall be for the life of the Commission.

(2) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(f) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a chairperson and vice chairperson from among the members of the Commission.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(i) VOTING.—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

SEC. 22. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall be responsible for examining the nature, the causes, and consequences concentration in America's agricultural economy in the broadest possible terms.

(b) ISSUES TO BE ADDRESSED.—The study shall include an examination of the following matters:

(1) The nature and extent of concentration in the agricultural sector, including food production, transportation, processing, distribution and marketing, and farm inputs such as machinery, fertilizer, and seeds.

(2) Current trends in concentration of the agricultural sector and what this sector is likely to look like in the near and longer term future.

(3) The effect of this concentration on farmer income.

(4) The impacts of this concentration upon rural communities, rural economic development, and the natural environment.

(5) The impacts of this concentration upon food shoppers, including the reasons that Depression-level farm prices have not resulted in corresponding drops in supermarket prices.

(6) The productivity of family-based farm units, compared with corporate based agriculture, and whether farming is approaching a scale that is larger than necessary from the standpoint of productivity.

(7) The effect of current laws and administrative practices in supporting and encouraging this concentration.

(8) Whether the existing antitrust laws provide adequate safeguards against, and remedies for, the impacts of concentration upon family-based agriculture, the communities they comprise, and the food shoppers of this Nation.

(9) Such related matters as the Commission determines are important.

SEC. 23. FINAL REPORT.

(a) IN GENERAL.—Not later than 12 months after the date of the initial meeting of the Commission, the Commission shall submit to the President and Congress a final report which contains—

(1) the findings and conclusions of the Commission described in section 22; and

(2) recommendations for addressing the problems identified as part of the Commission's analysis.

(b) SEPARATE VIEWS.—Any member of the Commission may submit additional findings and recommendations as part of the final report.

SEC. 24. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may find advisable to fulfill the requirements of this title. The Commission shall hold at least 1 or more hearings in Washington, D.C., and 4 in different agriculture regions of the United States.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this title. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 25. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil

service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 26. SUPPORT SERVICES.

The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 27. APPROPRIATIONS.

There are appropriated \$2,000,000 to the Commission to carry out the provisions of this title.

TORRICELLI (AND OTHERS) AMENDMENT NO. 1736

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself, Mr. GRASSLEY, Mr. BIDEN, and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

At the end of the bill, add the following new title:

TITLE —CONSUMER CREDIT DISCLOSURE

SEC. 01. ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) MINIMUM PAYMENT DISCLOSURES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

“(11)(A) In the case of an open end credit plan that requires a minimum monthly payment of not more than 4 percent of the balance on which finance charges are accruing, the following statement, located on the front of the billing statement, disclosed clearly and conspicuously, in typeface no smaller than the largest typeface used to make other clear and conspicuous disclosures under this subsection: ‘Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 2% minimum monthly payment on a balance of \$1,000 at an interest rate of 17% would take 88 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum payments, call this toll-free number: _____.’

“(B) In the case of an open end credit plan that requires a minimum monthly payment of more than 4 percent of the balance on

which finance charges are accruing, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously, in typeface no smaller than the largest typeface used to make other clear and conspicuous disclosures under this subsection: ‘Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. Making a typical 5% minimum monthly payment on a balance of \$300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call this toll-free number: _____.’

“(C) In the case of a creditor with respect to which compliance with this title is enforced by the Federal Trade Commission, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously, in typeface no smaller than the largest typeface used to make other clear and conspicuous disclosures under this subsection: ‘Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 5% minimum monthly payment on a balance of \$300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call the Federal Trade Commission at this toll-free number: _____.’

“(D) Notwithstanding subparagraph (B) or (C), in complying with either such subparagraph, a creditor may substitute an example based on an interest rate that is greater than 17 percent.

“(E) The Board shall, by rule, periodically recalculate, as necessary, the interest rate and repayment period under subparagraphs (A), (B), and (C).

“(F) The toll-free telephone number disclosed by a creditor under subparagraph (A) or (B) may be a toll-free telephone number established and maintained by the creditor or may be a toll-free telephone number established and maintained by a third party for use by the creditor or multiple creditors. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A) or (B) by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A) or (B), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A) or (B) from an obligor through the toll-free telephone number disclosed under subparagraph (A) or (B), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i).

“(G) The Federal Trade Commission shall establish and maintain a toll-free number for the purpose of providing to consumers the information required to be disclosed under subparagraph (C).

“(H) The Board shall—

“(i) establish a detailed table illustrating the approximate number of months that it would take to repay an outstanding balance and the approximate total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no other advances

are made, which table shall clearly present standardized information to be used to disclose the information required to be disclosed under subparagraph (A), (B), or (C), as applicable;

“(ii) establish the table required under clause (i) by assuming—

“(I) a significant number of different annual percentage rates;

“(II) a significant number of different account balances;

“(III) a significant number of different minimum payment amounts; and

“(IV) that only minimum monthly payments are made and no additional extensions of credit are obtained; and

“(iii) promulgate regulations that provide instructional guidance regarding the manner in which the information contained in the table established under clause (i) should be used in responding to the request of an obligor for any information required to be disclosed under subparagraph (A), (B), or (C).”.

(b) REGULATORY IMPLEMENTATION.—The Board of Governors of the Federal Reserve System (hereafter in this Act referred to as the “Board”) shall promulgate regulations implementing the requirements of section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section. Section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section, and the regulations issued under this subsection shall not take effect until the later of 18 months after the date of enactment of this Act or 12 months after the publication of such regulations by the Board.

(c) STUDY OF FINANCIAL DISCLOSURES.—

(1) IN GENERAL.—The Board shall conduct a study to determine whether consumers have adequate information about borrowing activities that may result in financial problems.

(2) FACTORS FOR CONSIDERATION.—In conducting the study under paragraph (1), the Board shall, in consultation with the Secretary of the Treasury and the Federal Trade Commission, consider the extent to which—

(A) consumers, in establishing new credit arrangements, are aware of their existing payment obligations, the need to consider those obligations in deciding to take on new credit, and how taking on excessive credit can result in financial difficulty;

(B) minimum periodic payment features offered in connection with open end credit plans impact consumer default rates;

(C) consumers make only the minimum payment under open end credit plans;

(D) consumers are aware that making only minimum payments will increase the cost and repayment period of an open end credit obligation; and

(E) the availability of low minimum payment options is a cause of consumers experiencing financial difficulty.

(3) REPORT TO CONGRESS.—Before the end of the 2-year period beginning on the date of enactment of this Act, the Board shall submit to Congress a report containing the findings of the Board in connection with the study required by this subsection.

(d) REGULATIONS.—The Board shall, by regulation promulgated pursuant to its authority under the Truth in Lending Act, require additional disclosures to consumers regarding minimum payment features, including periodic statement disclosures, if the Board determines, as part of its final report to Congress under subsection (c), that such disclosures are necessary, based on the findings set forth in that report. Any such regulations shall not take effect until 12 months after the publication of such regulations by the Board.

SEC. 02. ENHANCED DISCLOSURE FOR CREDIT EXTENSIONS SECURED BY A DWELLING.

(a) OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 127A(a)(13) of the Truth in Lending Act (15 U.S.C. 1637a(a)(13)) is amended—

(A) by striking “CONSULTATION OF TAX ADVISOR.—A statement that the” and inserting the following: “TAX DEDUCTIBILITY.—A statement that—

“(A) the”; and

(B) by striking the period at the end and inserting the following: “; and

“(B) in any case in which the extension of credit exceeds the fair market value of the dwelling, the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes.”.

(2) CREDIT ADVERTISEMENTS.—Section 147(b) of the Truth in Lending Act (15 U.S.C. 1665b(b)) is amended—

(A) by striking “If any” and inserting the following:

“(1) IN GENERAL.—If any”; and

(B) by adding at the end the following:

“(2) CREDIT IN EXCESS OF FAIR MARKET VALUE.—Each advertisement described in subsection (a) that relates to an extension of credit that may exceed the fair market value of the dwelling shall include a clear and conspicuous statement that—

“(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

“(B) the consumer may want to consult a tax advisor for further information regarding the deductibility of interest and charges.”.

(b) NON-OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended—

(A) in subsection (a), by adding at the end the following:

“(15) In the case of a consumer credit transaction that is secured by the principal dwelling of the consumer, in which the extension of credit may exceed the fair market value of the dwelling, a clear and conspicuous statement that—

“(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

“(B) the consumer should consult a tax advisor for further information regarding the deductibility of interest and charges.”; and

(B) in subsection (b), by adding at the end the following:

“(3) In the case of a credit transaction described in paragraph (15) of subsection (a), disclosures required by that paragraph shall be made to the consumer at the time of application for such extension of credit.”.

(2) CREDIT ADVERTISEMENTS.—Section 144 of the Truth in Lending Act (15 U.S.C. 1664) is amended by adding at the end the following:

“(e) Each advertisement to which this section applies that relates to a consumer credit transaction that is secured by the principal dwelling of a consumer in which the extension of credit may exceed the fair market value of the dwelling shall clearly and conspicuously state that—

“(1) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

“(2) the consumer may want to consult a tax advisor for further information regarding the deductibility of interest and charges.”.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective 12 months after the date of enactment of this Act.

SEC. 03. DISCLOSURES RELATED TO “INTRODUCTORY RATES”.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

“(6) ADDITIONAL NOTICE CONCERNING ‘INTRODUCTORY RATES’.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an application or solicitation to open a credit card account and all promotional materials accompanying such application or solicitation, for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest, shall—

“(i) use the term ‘introductory’ in immediate proximity to each listing of the temporary annual percentage rate applicable to such account, which term shall appear in the same type size and type style used to state the temporary annual percentage rate;

“(ii) if the annual percentage rate of interest that will apply after the end of the temporary rate period will be a fixed rate, state the following in a prominent location immediately proximate to the first or otherwise most prominent listing of the temporary annual percentage rate (other than a listing of the temporary annual percentage rate in the tabular format described in section 122(c)) and in no smaller type size than the smaller of the type size in which the proximate temporary annual percentage rate appears or a 12-point type size the date on which the introductory period will end and the annual percentage rate that will apply after the end of the introductory period; and

“(iii) if the annual percentage rate that will apply after the end of the temporary rate period will vary in accordance with an index, state the following in a prominent location immediately proximate to the first or otherwise most prominent listing of the temporary annual percentage rate (other than a listing in the tabular format prescribed by section 122(c)) and in no smaller type size than the smaller of the type size in which the proximate temporary annual percentage rate appears or a 12-point type size the date on which the introductory period will end and the annual percentage rate that would apply if the introductory period ended on the date on which the application or solicitation was printed.

“(B) EXCEPTION.—Clauses (ii) and (iii) of subparagraph (A) do not apply with respect to any listing of a temporary annual percentage rate on an envelope or other enclosure in which an application or solicitation to open a credit card account is mailed.

“(C) CONDITIONS FOR INTRODUCTORY RATES.—An application or solicitation to open a credit card account for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest shall, if that rate of interest is revocable under any circumstance or upon any event, clearly and conspicuously disclose, in a prominent manner on or with such application or solicitation—

“(i) any and all circumstances or events that may result in the revocation of the temporary annual percentage rate; and

“(ii) if the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate—

“(I) will be a fixed rate, the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate; or

“(II) will vary in accordance with an index, the annual percentage rate that would apply if the temporary annual percentage rate was revoked on the date on which the application or solicitation was printed.

“(D) DEFINITIONS.—In this paragraph—

“(i) the terms ‘temporary annual percentage rate of interest’ and ‘temporary annual

percentage rate' mean any rate of interest applicable to a credit card account for an introductory period of less than 1 year, if that rate is less than the annual percentage rate of interest that will apply if the introductory period ended on the date on which the application was printed; and

"(ii) the term 'introductory period' means the maximum time period for which the temporary annual percentage rate may be applicable.

"(E) RELATION TO OTHER DISCLOSURE REQUIREMENTS.—Nothing in this paragraph may be construed to supersede any disclosure required by paragraph (1) or any other provision of this subsection."

SEC. 04. INTERNET-BASED CREDIT CARD SOLICITATIONS.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

"(7) INTERNET-BASED APPLICATIONS AND SOLICITATIONS.—

"(A) IN GENERAL.—In any solicitation to open a credit card account for any person under an open end consumer credit plan using the Internet or other interactive computer service, the person making the solicitation shall clearly and conspicuously disclose—

"(i) the information described in subparagraphs (A) and (B) of paragraph (1); and

"(ii) the disclosures described in paragraph (6).

"(B) FORM OF DISCLOSURE.—The disclosures required by subparagraph (A) shall be—

"(i) readily accessible to consumers in close proximity to the solicitation to open a credit card account; and

"(ii) updated regularly to reflect the current policies, terms, and fee amounts applicable to the credit card account.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) the term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks; and

"(ii) the term 'interactive computer service' means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions."

SEC. 05. DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.

Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(12) If a charge is to be imposed due to the failure of the obligor to make payment on or before a required payment due date the following shall be stated prominently in a conspicuous location on the billing statement:

"(A) The date that payment is due or, if different, the earliest date on which a late payment fee may be charged.

"(B) The amount of the late payment charge to be imposed if payment is made after such date."

SEC. 06. PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(h) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—A creditor of an account under an open end consumer credit plan may not terminate an account prior to its expiration date solely because the consumer has not incurred finance charges on the account. Nothing in this subsection shall prohibit a creditor from

terminating an account for inactivity in 3 or more consecutive months."

SEC. 07. DUAL USE DEBIT CARD.

(a) STUDY REQUIRED.—The Board shall conduct a study of existing consumer protections provided to consumers at the time of the study to limit the liability of consumers for unauthorized use of a debit card or similar access device.

(b) CONSIDERATIONS.—In conducting the study under subsection (a), the Board shall consider—

(1) the extent to which section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g), as in effect at the time of the study, and the implementing regulations promulgated by the Board to carry out that section provide adequate unauthorized use liability protection for consumers;

(2) the extent to which any voluntary industry rules have enhanced the level of protection afforded consumers in connection with such unauthorized use liability; and

(3) whether amendments to the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.), or revisions to regulations promulgated by the Board to carry out that Act, are necessary to provide adequate protection for consumers concerning unauthorized use liability.

(c) REPORT AND REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Board shall make public a report on its findings with respect to the adequacy of existing protections afforded consumers with respect to unauthorized use liability for debit cards and similar access devices. If the Board determines that such protections are inadequate, the Board, pursuant to its authority under the Electronic Fund Transfer Act, may issue regulations to address such inadequacy. Any regulations issued by the Board under this paragraph shall not become effective before the end of the 36-month period beginning on the date of enactment of this Act.

SEC. 08. STUDY OF BANKRUPTCY IMPACT OF CREDIT EXTENDED TO DEPENDENT STUDENTS.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the impact that the extension of credit described in paragraph (2) has on the rate of bankruptcy cases filed under title 11, United States Code.

(2) EXTENSION OF CREDIT.—The extension of credit referred to in paragraph (1) is the extension of credit to individuals who are—

(A) claimed as dependents for purposes of the Internal Revenue Code of 1986; and

(B) enrolled in postsecondary educational institutions.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Senate and the House of Representatives a report summarizing the results of the study conducted under subsection (a).

SEC. 09. ENCOURAGING CREDITWORTHINESS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) certain lenders may sometimes offer credit to consumers indiscriminately, without taking steps to ensure that consumers are capable of repaying the resulting debt, and in a manner that may encourage certain consumers to accumulate additional debt; and

(2) resulting consumer debt may increasingly be a major contributing factor to consumer insolvency.

(b) STUDY REQUIRED.—The Board shall conduct a study of—

(1) consumer credit industry practices of soliciting and extending credit—

(A) indiscriminately;

(B) without taking steps to ensure that consumers are capable of repaying the resulting debt; and

(C) in a manner that encourages consumers to accumulate additional debt; and

(2) the effects of such practices on consumer debt and insolvency.

(c) REPORT AND REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Board—

(1) shall make public a report on its findings with respect to the indiscriminate solicitation and extension of credit by the credit industry;

(2) may issue regulations that would require additional disclosures to consumers; and

(3) may take any other actions, consistent with its existing statutory authority, that the Board finds necessary to ensure responsible industrywide practices and to prevent resulting consumer debt and insolvency.

HUTCHISON AMENDMENT NO. 1737

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 625, supra; as follows:

Notwithstanding and other provision of law, any Federal homestead exemption shall not apply to debtors if applicable State law provides by statute that such provisions shall not apply to debtors and shall not take effect in any State before the end of the first regular session of the State legislature following the date of enactment of this Act."

BROWNBACK AMENDMENT NO. 1738

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

In lieu of the language proposed to be included, insert the following:

SEC. 09. LIMITATION.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)(2)(A), by inserting "subject to subsection (n)," before "any property"; and

(2) by adding at the end the following:

"(n) (1) Except as provided in paragraph (2), as a result of electing under subsection (b)(2)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate \$100,000 in value in—

"(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

"(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

"(C) a burial plot for the debtor or a dependent of the debtor.

"(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(2)(A)—

"(A) by a family farmer for the principal residence of that family farmer, without regard to whether the principal residence is covered under an applicable homestead provision referred to in subparagraph (B); or

"(B) by a farmer (including, for purposes of this subparagraph, a family farmer and any person that is considered to be a farmer under applicable State law) for a site at which a farming operation of that farmer is carried out (including the principal residence of that farmer), if that site is covered under an applicable homestead provision that exempts that site under a State constitution or statute."

HUTCHISON AMENDMENT NO. 1739

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 625, supra; as follows:

On page 91, strike lines 15 through 18 and insert the following:

"(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case in addition to the prior case."

SESSIONS AMENDMENT NO. 1740

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

On page 1, line 3, strike all through line 10 on page 2.

HUTCHISON AMENDMENTS NOS.
1741-1743

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted three amendments intended to be proposed by her to the bill, S. 625, supra; as follows:

AMENDMENT No. 1741

At the end of the amendment add the following: "The preceding provisions relating to a limitation on State homestead exemptions shall not apply to debtors who are 65 years or older."

AMENDMENT No. 1742

In lieu of the matter proposed to be inserted, insert the following:

SEC. __. STUDY OF EFFECTS OF THE HOMESTEAD EXEMPTION.

The Comptroller General shall conduct a nationwide study and report to Congress any findings and recommendations not later than 1 year after the date of enactment of this Act regarding—

(1) the utilization of State homestead exemption in States where there is no limitation on the homestead exemption or in States where the limitation exceeds \$100,000 to determine the income level of the debtors utilizing the homestead exemption in those States; and

(2) the extent to which those individuals who have utilized the homestead exemption in those States are prohibited from doing so by the provisions in this Act—

(A) restricting utilization of the homestead exemption to those who have resided in the State for at least 2 years (section 303);

(B) providing for enhanced judicial scrutiny of any asset transfers to the homestead within 2 years of the date of filing bankruptcy (section 303); and

(C) the presumption against allowance of filing for chapter 7 (liquidation of assets) for certain high-income individuals (section 102).

AMENDMENT No. 1743

At the end of the amendment add the following: "The preceding provisions relating to a limitation on State homestead exemptions shall not apply to debtors if applicable State law provides by statute that such provisions shall not apply to debtors and shall not take effect in any State before the end of the first regular session of the State legislature following the date of enactment of this Act."

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I wish to announce that the Committee

on Rules and Administration will meet on Wednesday, September 22, 1999 at 9:00 a.m. in Room SR-301 Russell Senate Office Building, to mark up S. Res. 172, a resolution to establish a special committee of the Senate to address the cultural crisis facing America.

For further information concerning this meeting, please contact Tamara Somerville at the Rules Committee on 4-6352.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, September 22, 1999 at 10:00 a.m. to conduct a hearing on S. 1587, a bill to amend the American Indian Trust Fund Management Reform Act of 1994 to establish within the Department of the Interior an Office of Special Trustee for Data Cleanup and Internal Control and; S. 1589, to amend the American Indian Trust Fund Management Reform Act of 1994.

The hearing will be held in room 485, Russell Senate Building.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on September 23, 1999 in SH-216 at 9:00 a.m. The purpose of this meeting will be to (1) To examine the impact of electronic trading on regulation and (2) to consider the nominations of Paul Riddick to be Assistant Secretary of Agriculture for Administration and Andrew Fish to be Assistant Secretary of Agriculture for Congressional Relations.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, September 29, 1999 at 9:30 a.m. to conduct a hearing on S. 1508, a bill to provide technical and legal assistance to tribal justice systems and members of Indian tribes.

The hearing will be held in room 485, Russell Senate Building.

Please direct any inquiries to Committee staff at 202/224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Hybrid Pension Plans" during the session of the Senate on Tuesday, September 21, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Special

Committee on the Year 2000 Technology Problem be permitted to meet on September 21, 1999, at 9:30 a.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO GEORGE P. CROUNSE

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to the life of George P. Crouse, who passed away on August 22, 1999. His death marked the end of a five-decade career of entrepreneurship, community building, and philanthropy in Paducah, Kentucky.

A native of Minneapolis, Minnesota, George worked for the Tennessee Valley Authority and then Arrow Transportation Company, an Alabama firm. George served his country in the U.S. Navy during World War II, and came to Paducah in 1945, to work for Iger Towing. George realized the potential of his new hometown as a crossroads of the nation's major river ways, and Crouse Corporation began operations in 1949, when its first towboat, *The Alice*, began operation on the Ohio River. This was the beginning of George's dream to have his own company.

Crouse Corporation continued to grow over the years, and expanded operations to other parts of the inland waterway system. From that single boat, the *Alice*, grew one of the nation's largest towing companies which presently operates 25 towboats and 750 barges. Even more amazing, the only time George borrowed money for his operation was the \$60,000 he borrowed to help construct that first boat. Aside from that initial loan, the Crouse Corporation balance sheets never showed debt. George continued to run the company as its chairman until only a few weeks prior to his death.

George led not only his own company to prosperity, but helped establish Paducah as a major center for river shipping, bringing economic growth and jobs to the area. His business acumen also was highly sought out in other areas such as banking. George was a firm believer in the principle of giving back to the community that had been so good to him, his family, and business. Entities such as the Paducah Public Library, Tilghman High School, and the new River Heritage Museum benefitted from George's generosity and guidance. We will probably never know the true extent of George's work to better the lives of all those in his community, and that's just the way George, a humble and modest man, would have wanted it.

George Crouse perhaps will best be remembered as a dogged advocate for education. In 1968, as a board member of Paducah Junior College, he helped bring the school into the statewide network of the University of Kentucky Community College System. George made sure that PJC retained ownership