



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 105<sup>th</sup> CONGRESS, FIRST SESSION

## SENATE—Monday, February 28, 2005

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray. Eternal Spirit, who is the same yesterday, today, and forever, we are transient creatures who long for a sense of permanence. Give us that permanence as we find in You our fixed and abiding center of faith. We praise You because You are changeless, without any variableness in Your judgment and mercy.

Strengthen our lawmakers for the challenges of our time. Keep them in the shadow of Your wings and teach them to show mercy. Use Your powerful arm to rescue our Nation from the hands of all enemies of freedom. Guide each of us on life's journey. Lord, hasten the day when people everywhere will seek and find You. Let the tranquility of Your dominion increase until the Earth is filled with the knowledge of Your love. We pray in Your glorious Name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, I welcome everyone back from the President's Day recess. I suspect the weather outside today makes our distinguished President pro tempore homesick for his home, Alaska.

As we communicated over the last week, today, in just a few minutes, we will begin debate on the bankruptcy bill, S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. The chairman and ranking member are here to begin the opening remarks. Other Members will want to speak, I am sure, this afternoon.

Our agreement provides for debate only today. Therefore, as previously announced, we will have no rollcall votes today. We do have several speakers. I don't expect a lengthy session today. I ask my colleagues to come to the Chamber to make opening statements and keep the afternoon full. I want people to make sure they have that opportunity to speak today, but do not expect a lengthy session because of the weather.

We expect to begin the amendment process on the bill tomorrow. I encourage Members to notify their respective cloakrooms if they intend to offer amendments to this bill. I had the opportunity to talk to the Democratic leader over the recess, as well, and we both agreed we would encourage our caucuses to bring those amendments forward to the ranking member and the chairman so they can be addressed in an efficient and effective way. I expect we will make progress on amendments during tomorrow's session, although it is unlikely we will vote before the policy luncheons. I ask the chairman to consider having a vote shortly after the 2:15 reconvening tomorrow if at all possible.

I understand we are just beginning today, but I encourage the amendment process to begin in the morning. Hopefully, we can debate amendments in the morning.

I thank everyone for their assistance on this snowy Monday and look forward to a very constructive legislative period over the next several weeks. I will say more on the bankruptcy bill tomorrow morning.

Let me say how pleased I am we are moving forward in considering this bill that many people have looked at for longer than 7 years. Over the last 7 years we have passed this bill, or a bill very similar to it, repeatedly, again

and again, both in the House and in the Senate.

The reason we have been able to pass the bill is that both sides of the aisle recognize the current system is calling for reform. Personal bankruptcies are skyrocketing and wealthy debtors are walking away from debts they can repay. This abuse is hurting everyone, not just the creditor they owe, but it hurts all who ultimately pay higher fees in prices to cover the loss.

With that, I yield the floor as we begin debate on S. 256, the Bankruptcy Abuse and Prevention Consumer Protection Act of 2005.

### BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 256, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 256) to amend title 11 of the United States Code, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with amendments.

(Strike the part shown in black brackets and insert the parts shown in italic.)

S. 256

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

#### SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Bankruptcy Abuse Prevention and Consumer Protection Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—NEEDS-BASED BANKRUPTCY  
Sec. 101. Conversion.  
Sec. 102. Dismissal or conversion.  
Sec. 103. Sense of Congress and study.  
Sec. 104. Notice of alternatives.  
Sec. 105. Debtor financial management training test program.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.