

Amendment to H.R. 833, As Reported
Offered by Mr. Gekas of Pennsylvania

In the table of contents of the bill—

(1) in the item relating to section 107, strike “congress” and insert “Congress”, and

(2) in the item relating to section 134, strike “Giving debtors the ability to keep” and insert “Allowing a debtor to retain”.

Page 9, line 1, strike “applicable” and insert “actual”.

Page 9, beginning on line 1, strike “specifically listed” and insert “specified”.

Page 10, line 3, strike “proceeding brought” and insert “motion filed”.

Beginning on page 10, strike line 22 and all that follows through line 5 on page 11.

Page 11, line 6, strike “(D)” and insert “(C)”.

Page 12, beginning on line 11, strike “in prosecuting the motion”.

Page 16, line 13, insert “or not” after “whether”.

Page 17, after line 16, insert the following (and make such technical and conforming changes as may be appropriate):

1 (d) DEBTOR’S DUTIES.—Section 521(a)(1)(B) of
2 title 11, United States Code, as amended by section 603,
3 is amended—

4 (1) in clause (v) by striking “and” at the end;

5 (2) in clause (vi) by adding “and” at the end;

6 (3) by inserting the following after clause (vi):

7 “(vii) a statement of the debtor’s cur-
8 rent monthly income, and the calculations
9 which determine whether a presumption
10 arises under section 707(b)(2)(A)(i), show-
11 ing how each amount is calculated.”.

12 (e) BANKRUPTCY FORMS.—Section 2075 of title 28,
13 United States Code, is amended by adding the following
14 at the end of the 1st paragraph:

15 “The bankruptcy rules promulgated under this section
16 shall prescribe a form for the statement referred to in sec-

1 tion 521(a)(1)(B)(vii) of title 11, United States Code, and
2 may provide general rules on the content of such state-
3 ment.”.

4 (f) CHAPTER 13.—Section 1325(a) of title 11, United
5 States Code, is amended—

6 (1) in paragraph (5) by striking “and” at the
7 end;

8 (2) in paragraph (6) by striking the period and
9 inserting “; and”;

10 (3) by inserting the following after paragraph
11 (6):

12 “(7) the action of the debtor in filing the peti-
13 tion under this chapter was in good faith.”.

Page 19, line 15, strike “this title” and insert “title
11, United States Code”.

Page 22, lines 17 and 20, insert “case or” after “a”.

Page 23, lines 9 and 12, strike “proceeding” and in-
sert “case”.

Page 77, strike line 1, and insert the following:

1 SEC. 134. ALLOWING THE DEBTOR TO RETAIN LEASED

Beginning on page 114, strike line 1 and all that follows through line 5 on page 115 (and make such technical and conforming changes as may be appropriate).

Page 91, line 15, insert “(a) AMENDMENT.—” before “Section”.

Page 92, beginning on line 13, strike “expressly” and all that follows through “this paragraph”, and insert “provides by statute”.

Page 92, after line 15, insert the following:

2 (b) APPLICATION OF AMENDMENT TO INDIVIDUAL
3 STATES.—(1) Section 522(p) of title 11, United States
4 Code, as added by subsection (a), shall not apply with re-
5 spect to a State before the end of the first regular session
6 of the State legislature following the date of the enactment
7 of this Act.

1 (2) For purposes of paragraph (1), the term “State”
2 has the meaning given such term in section 101 of title
3 11, United States Code.

Page 115, beginning on line 20, strike “(excluding”
and all that follows through “secret)”.

Page 116, line 7, insert “(excluding executory con-
tracts that transfer a right or interest under a filed or
issued patent, copyright, trademark, trade dress, or trade
secret)” after “contract”.

Page 117, line 15, strike “365(b)(1)(A)” and insert
“365(b)(2)”.

Page 174, line 2, insert “(a) APPEALS.—” before
“Title”.

Page 175, line 9, strike “(b)” and insert “(5)”.

Page 175, indent lines 9 through 11 2 ems to the
right.

Page 175, line 12, strike “(c)(1)” and insert “(b)(1)”.

Page 175, line 17, strike “(1)-(4)” and insert “(1) through (5)”.

Page 175, line 24, strike “subsection (b)” and insert “paragraph (1)”

Page 176, after line 6, insert the following:

1 (b) PROCEDURAL RULES.—Until rules of practice
2 and procedure are promulgated or amended pursuant to
3 the Rules Enabling Act (28 U.S.C. sections 2071-77) to
4 govern appeals to a bankruptcy appellate panel or to a
5 court of appeals exercising jurisdiction pursuant to section
6 1293 of title 28, as added by this Act, the following shall
7 apply:

8 (1) A notice of appeal with respect to an appeal
9 from an order or judgment of a bankruptcy court to
10 a court of appeals or a bankruptcy appellate panel
11 must be filed within the time provided in Rule 8002
12 of the Federal Rules of Bankruptcy Procedure.

13 (2) An appeal to a bankruptcy appellate panel
14 shall be taken in the manner provided in Part VIII

1 of the Federal Rules of Bankruptcy Procedure and
2 local court rules.

3 (3) An appeal from an order or judgment of a
4 bankruptcy court directly to a court of appeals shall
5 be governed by the rules of practice and procedure
6 that apply to a civil appeal from a judgment of a
7 district court exercising original jurisdiction, as if
8 the bankruptcy court were a district court, except as
9 provided in paragraph (1) regarding the time to ap-
10 peal or by local court rules.

11 (4) An appeal to a court of appeals from a deci-
12 sion, judgment, order, or decree entered by a bank-
13 ruptcy appellate panel exercising appellate jurisdic-
14 tion shall be taken in the manner provided by Rule
15 6(b) of the Federal Rules of Appellate Procedure.

16 (c) REPEALER.—(1) Section 158 of title 28, United
17 States Code, is repealed.

18 (2) The table of sections of chapter 6 of title 28,
19 United States Code, is amended by striking the item relat-
20 ing to section 158.

Page 208, line 9, insert “, other than a foreign in-
surance company,” after “entity”.

Page 208, after line 20, insert the following:

1 “(d) The court may not grant relief under this chap-
2 ter with respect to any deposit, escrow, trust fund, or
3 other security required or permitted under any applicable
4 State insurance law or regulation for the benefit of claim
5 holders in the United States.

Page 231, strike line 13, and insert the following:

6 **“SEC. 902. OTHER AMENDMENTS TO TITLES 11 AND 28 OF**
7 **THE UNITED STATES CODE.**

Page 233, after line 11, insert the following (and
make such technical and conforming changes as may be
appropriate):

8 (d) OTHER SECTIONS OF TITLE 11.—(1) Section
9 109(b)(3) of title 11, United States Code, is amended to
10 read as follows:

11 “(3)(A) a foreign insurance company, engaged
12 in such business in the United States; or

1 “(B) a foreign bank, savings bank, cooperative bank,
2 savings and loan association, building and loan associa-
3 tion, or credit union, which has a branch or agency (as
4 defined in section 3101 of title 12, United States Code)
5 in the United States.”.

6 (2) Section 303(k) of title 11, United States Code,
7 is repealed.

8 (3)(A) Section 304 of title 11, United States Code,
9 is repealed.

10 (B) The table of sections of chapter 3 of title 11,
11 United States Code, is amended by striking the item relat-
12 ing to section 304.

13 (C) Section 306 of title 11, United States Code, is
14 amended by striking “, 304,” each place it appears.

Page 279, beginning on line 1, strike “that is de-
scribed in section 561(a)(2)” and insert “described in
paragraph (1), (2), (3), (4), or (5) of section 561(a)”.