

Title II—Improved Bankruptcy Administration

§201. Improved Bankruptcy Statistics

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

§202. Audit Procedures

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

§203. Docket of Individuals Who File Under Title 11

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

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

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

§205. Creditor Representation at First Meeting of Credits.

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

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

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

§207. Prompt Relief From Stay in Individual Cases.

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

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

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

§209. Filing of Proofs of Claim.

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

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

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

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

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

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

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

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

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

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

REVOKE PAY ADJUSTMENT FOR MEMBERS OF CONGRESS

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

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

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

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

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

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

TRIBUTE TO MARK AND DIANE KROEKER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

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

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

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

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

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

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

SALUTE TO THE 50TH ANNIVERSARY OF THE AIR NATIONAL GUARD

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

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

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

Observation Squadron, the wing fought in various combat theaters around the world, displaying courage in battles in the Pacific, Europe and China-Burma-India theaters.

The 146th distinguished itself during the 1950's in the Korean war, and in the 1960's Southeast Asia conflict flying a variety of combat air support missions. Since 1970, the wing's C-130 aircraft have traveled to all corners of the world, airlifting troops, passengers, and cargo during training missions, exercise deployments, and real-world military operations.

In 1992, the wing received its third Air Force Outstanding Unit Award. The 146th was praised for extraordinary service to the Nation, State, and local communities during hostilities in Panama and in the Persian Gulf, and in peacetime humanitarian airlifts and aerial fire fighting.

Mr. Speaker, while the mission and accomplishments of the 146th Airlift Wing are truly commendable, their true strength lies in the men and women who comprise the wing. I am pleased to pay tribute to them today and congratulate them on 50 years of service to our Nation, State, and community.

A NEW MARITIME STRATEGY

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. CUNNINGHAM. Mr. Speaker, in my role as an administrative cochairman of the bipartisan national security caucus, I served as the cohost of a recent maritime policy briefing. The group my colleagues and I assembled discussed a wide range of critical issues which have a significant impact on our national security and the future of our maritime industry.

This dinner briefing was an outstanding success because of the insights and observations we received from several of my fellow cochairmen in the national security caucus. The group included Chairman FLOYD SPENCE of the National Security Committee, IKE SKELTON, the ranking Democrat on the Military Procurement Subcommittee and STENY HOYER, the chairman of the Democratic Steering Committee. We were also joined by TILLIE FOWLER, the vice chairman of the Coast Guard and Maritime Transportation Subcommittee.

Our guests of honor were Secretary of the Navy John Dalton and Gen. Charles Krulak, the commander of the Marine Corps. We were also joined by several key executives from the maritime industry and senior officials of leading trade associations and maritime organizations.

The topics we reviewed included the Maritime Security Program [MSP], the Jones Act, the charter and build program, cargo preference, and acquisition reform. All of our participants were in agreement that the disappearance of U.S. shipping companies would have a serious impact on America's national security.

During Operation Desert Storm, American shipping companies transported 95 percent of the sustainment cargo. It is definitely not clear how the Defense Department would replace crucial sealift capacity if, suddenly, no American container ship companies were available. Certainly, the cost of replacing this commercial

capacity with new government-owned sealift vessels would be astronomical.

The number of private U.S. shipyards has dropped by more than 50 percent over the past 15 years. The U.S.-flag fleet is very productive today, but unfortunately, its capability to compete on the international stage has declined. The American fleet of self-propelled vessels has decreased steadily in size since 1950 to a current low of approximately 300 vessels.

The available work force has also declined significantly and the modernization of the U.S. seaports is well behind their foreign competitors. These factors are raising concerns among my colleagues in the national security caucus about handicaps on our Nation's economy and our capability to promote trade and our national security interests.

The participants were in agreement that the U.S. policies and programs are in sharp contrast with those of many leading maritime nations. These other nations have acted to preserve a commercial presence in shipping. They offer supportive tax and financing packages. And they invest heavily in the modernization of their shipyards and seaports. All of these inequities discourage private investment in key components of U.S. maritime industries. I believe it is in the best interests of all Americans to harness the leadership of government with the strength of the marketplace to level the international playing field so that U.S. industries can compete globally.

The challenges we face were eloquently stated last year during the MSP debate by chairman HERB BATEMAN of the Merchant Marine Panel when he said, "We are beyond the point of talking about viability, resurgence or even revitalization. We are now talking about the very survival of the American maritime industry. As horrible and as catastrophic as it may sound, if we do not develop and adopt a new strategy, the U.S. fleet may not be in existence a year from now."

I am very pleased to report that the efforts to develop, adopt, and implement a comprehensive and bipartisan national maritime strategy is receiving critical leadership from the nonprofit National Security Caucus Foundation. I know all of the caucus cochairmen are very grateful for the tremendous yeoman labor of the NSCF maritime team. This group includes Adm. Thomas Moorer USN (Ret.), the former chairman of the Joint Chiefs of Staff, Rear Adm. Robert Spiro, the former Under Secretary of the Army, and Gregg Hilton, the NSCF's Executive Director.

They have been working in cooperation with the Navy and the Maritime Administration on several strategy conferences, and they have assembled an impressive list of retired flag officers who are emphasizing the arguments I have outlined above. The NSCF Foundation's effort to develop a new strategy is essential to our national security and I will be providing further information to my colleagues about this program in the weeks ahead.

Finally, I want to express my appreciation to several individuals who had a key role in organizing last night's policy discussion. They also provided us excellent advice and a wide variety of background information. The group which is responsible for the success of last night's event includes Jim Henry, the president of the Transportation Institute, Jim Patti, the president of MIRAID, Gloria Tosi, the executive director of the American Maritime Con-

gress and Gordon Spencer, the legislative director for the American Maritime Officers.

IN HONOR OF THE 125TH ANNIVERSARY OF THE CONGREGATION OF ST. JOSEPH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Congregation of St. Joseph [CSJ] in Cleveland, OH as they celebrate their 125th anniversary of serving the Cleveland community through their faith, service, and vision.

For the Sisters of St. Joseph, this anniversary year has been one of reflection on their faith and a renewal of their spirituality. The sisters recently spent a weekend exploring the core principles and values of their faith and endeavored to find God and love in everyday life.

This year has also been a time to contemplate the areas of service in which CSJ is involved. Throughout their history, the sisters have reached out to others in the Cleveland community. The Sisters of St. Joseph have been involved in educating the youth of the community's parishes and in helping many other service organizations such as the West Side Catholic Center and Women's Shelter, Providence House—a crisis nursery for children), transitional housing for women and families, day care, and hospital visits. As part of the anniversary celebration, the Sisters of St. Joseph awarded a grant to fund a new service project in the community, "Seeds of Literacy." This project, coordinated with three other parishes in the Cleveland area, will reach out to needy adults to increase their literacy skills and sense of self worth, hopefully resulting in new job opportunities for them so they will be able to support themselves and their children.

The congregation has also spent this anniversary year focusing on the vision that has carried them through the past 125 years, and which will inspire them in the future. Just as many bridges span the Cuyahoga River in Cleveland, connecting the east side of the city to the west, CSJ is always looking for ways to build new bridges connecting themselves to their traditional spirituality, connecting their accomplishments of the past to their vision of the future, and connecting the Congregation of St. Joseph to the Cleveland community.

My fellow colleagues, please join me in honoring the devoted Sisters of the Congregation of St. Joseph.

TRIBUTE TO FRANCIS TOUCHETTE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1997

Mr. COSTELLO. Mr. Speaker, 60 days ago today on July 18, 1997, the people of the St. Louis metropolitan area and the people of southwestern Illinois lost a great leader and I lost a good friend. Francis Touchette passed away on July 18, 1997, at the age of 84 after a long illness.

During this period, I have had time to reflect on his legacy of service and on our friendship.