

title 11 of the United States Code, and for other purposes.

SA 16. Mr. DURBIN (for himself, Ms. STABENOW, Mr. BAYH, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. SCHUMER, Ms. CANTWELL, Mr. NELSON, of Florida, Mr. KENNEDY, Mr. KERRY, Mrs. CLINTON, and Ms. MIKULSKI) proposed an amendment to the bill S. 256, *supra*.

SA 17. Mr. FEINGOLD proposed an amendment to the bill S. 256, *supra*.

SA 18. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 256, *supra*; which was ordered to lie on the table.

SA 19. Mrs. FEINSTEIN (for herself and Mr. KYL) submitted an amendment intended to be proposed by her to the bill S. 256, *supra*; which was ordered to lie on the table.

SA 20. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 256, *supra*; which was ordered to lie on the table.

SA 21. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 256, *supra*; which was ordered to lie on the table.

SA 22. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 256, *supra*; which was ordered to lie on the table.

SA 23. Mr. SESSIONS proposed an amendment to the bill S. 256, *supra*.

SA 24. Mr. ROCKEFELLER (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 256, *supra*; which was ordered to lie on the table.

SA 25. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 256, *supra*; which was ordered to lie on the table.

SA 26. Mr. LEAHY (for himself, Ms. SNOWE, and Ms. CANTWELL) proposed an amendment to the bill S. 256, *supra*.

SA 27. Mr. CHAFEE (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 256, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 15. Mr. AKAKA (for himself, Mr. DURBIN, Mr. LEAHY, and Mr. SARBANES) submitted an amendment intended to be proposed by him to the bill S. 256, to amend title 11 of the United States Code, and for other purposes; as follows:

On page 473, strike beginning with line 12 through page 482, line 24, and insert the following:

#### SEC. 1301. ENHANCED CONSUMER DISCLOSURES REGARDING MINIMUM PAYMENTS.

(a) DISCLOSURES REGARDING OUTSTANDING BALANCES.—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) Information regarding repayment of the outstanding balance of the consumer under the account, appearing in conspicuous type on the front of the first page of each such billing statement, and accompanied by an appropriate explanation, containing—

“(i) the words ‘Minimum Payment Warning: Making only the minimum payment will increase the amount of interest that you pay and the time it will take to repay your outstanding balance.’;

“(ii) the number of years and months (rounded to the nearest month) that it would take for the consumer to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments;

“(iii) the total cost to the consumer, shown as the sum of all principal and inter-

est payments, and a breakdown of the total costs in interest and principal, of paying that balance in full if the consumer pays only the required minimum monthly payments, and if no further advances are made;

“(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; and

“(v) a toll-free telephone number at which the consumer may receive information about accessing credit counseling and debt management services.

“(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.

“(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 specifying a subsequent interest rate or 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 shall apply the adjusted interest rate, as specified in the contract. If the contract applies a formula that uses an index that varies over time, the value of such index on the date on which the disclosure is made shall be used in the application of the formula.”.

(b) ACCESS TO CREDIT COUNSELING AND DEBT MANAGEMENT INFORMATION.—

(1) GUIDELINES REQUIRED.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Board of Governors of the Federal Reserve System and the Federal Trade Commission (in this section referred to as the “Board” and the “Commission”, respectively) shall jointly, by rule, regulation, or order, issue guidelines for the establishment and maintenance by creditors of a toll-free telephone number for purposes of the disclosures required under section 127(b)(11) of the Truth in Lending Act, as added by this Act.

(B) APPROVED AGENCIES.—Guidelines issued under this subsection shall ensure that referrals provided by the toll-free number include only those agencies approved by the Board and the Commission as meeting the criteria under this section.

(2) CRITERIA.—The Board and the Commission shall only approve a nonprofit budget and credit counseling agency for purposes of this section that—

(A) demonstrates that it will provide qualified counselors, maintain adequate provision for safekeeping and payment of client funds, provide adequate counseling with respect to client credit problems, and deal responsibly and effectively with other matters relating to the quality, effectiveness, and financial security of the services it provides;

(B) at a minimum—

(i) is registered as a nonprofit entity under section 501(c) of the Internal Revenue Code of 1986;

(ii) has a board of directors, the majority of the members of which—

(I) are not employed by such agency; and

(II) will not directly or indirectly benefit financially from the outcome of the counseling services provided by such agency;

(iii) if a fee is charged for counseling services, charges a reasonable and fair fee, and provides services without regard to ability to pay the fee;

(iv) provides for safekeeping and payment of client funds, including an annual audit of the trust accounts and appropriate employee bonding;

(v) provides full disclosures to clients, including funding sources, counselor qualifications, possible impact on credit reports, any

costs of such program that will be paid by the client, and how such costs will be paid;

(vi) provides adequate counseling with respect to the credit problems of the client, including an analysis of the current financial condition of the client, factors that caused such financial condition, and how such client can develop a plan to respond to the problems without incurring negative amortization of debt;

(vii) provides trained counselors who—

(I) receive no commissions or bonuses based on the outcome of the counseling services provided;

(II) have adequate experience; and

(III) have been adequately trained to provide counseling services to individuals in financial difficulty, including the matters described in subparagraph (F);

(viii) demonstrates adequate experience and background in providing credit counseling;

(ix) has adequate financial resources to provide continuing support services for budgeting plans over the life of any repayment plan; and

(x) is accredited by an independent, nationally recognized accrediting organization.

SA 16. Mr. DURBIN (for himself, Ms. STABENOW, Mr. BAYH, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. SCHUMER, Ms. CANTWELL, Mr. NELSON of Florida, Mr. KENNEDY, Mr. KERRY, Mrs. CLINTON, and Ms. MIKULSKI) proposed an amendment to the bill S. 256, to amend title 11 of the United States Code, and for other purposes; as follows:

On page 13, between lines 13 and 14, insert the following:

“(D) Subparagraphs (A) through (C) shall not apply, and the court may not dismiss or convert a case based on any form of means testing, if—

“(i) the debtor or the debtor’s spouse is a servicemember (as defined in section 101 of the Servicemembers Civil Relief Act (50 App. U.S.C. 511(1)));

“(ii) the debtor or the debtor’s spouse is a veteran (as defined in section 101(2) of title 38, United States Code); or

“(iii) the debtor’s spouse dies while in military service (as defined in section 101(2) of the Servicemembers Civil Relief Act (50 App. U.S.C. 511(2))).

On page 67, between lines 18 and 19, insert the following:

#### SEC. 206. DISALLOWANCE OF CLAIMS FILED ON HIGH-COST PAYDAY LOANS MADE TO SERVICEMEMBERS.

(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

(3) by adding at the end the following:

“(10) such claim results from an assignment (including a loan or an agreement to deposit military pay into a joint account from which another person may make withdrawals, except when the assignment is for the benefit of a spouse or dependent of the debtor) of the debtor’s right to receive—

“(A) military pay made in violation of section 701(c) of title 37; or

“(B) military pension or disability benefits made in violation of section 5301(a) of title 38; or

“(11) such claim is based on a debt of a servicemember or a dependent of a servicemember that—

“(A) is secured by, or conditioned upon—

“(i) a personal check held for future deposit; or

“(ii) electronic access to a bank account; or

“(B) requires the payment of interest, fees, or other charges that would cause the annual percentage rate (as defined by section 107 of the Truth in Lending Act (15 U.S.C. 1606)) on the obligation to exceed 36 percent.”.

(b) CONFORMING AMENDMENT.—Section 523 of title 11, United States Code, is amended by adding at the end the following:

“(f) Notwithstanding paragraphs (2), (4), and (6) of subsection (a), a debt is dischargeable in a case under this title if it is based on an assignment of the debtor’s right to receive—

“(1) military pay made in violation of section 701(c) of title 37; or

“(2) military pension or disability benefits made in violation of section 5301(a) of title 38.”.

On page 132, between lines 5 and 6, insert the following:

**SEC. 234. PROTECTION OF SERVICEMEMBERS’ PROPERTY IN BANKRUPTCY.**

(a) IN GENERAL.—Section 522(b) of title 11, United States Code, as amended by section 224, is further amended—

(1) in paragraph (1), as redesignated, by striking “either paragraph (2) or, in the alternative, paragraph (3) of this subsection” and inserting “paragraph (2), (3), or (4)”;

(2) by redesignating paragraph (4), as added by this Act, as paragraph (5); and

(3) by inserting after paragraph (3), as redesignated, the following:

“(4) If the debtor is a servicemember or the dependent of a servicemember, and the date of the filing of the petition is during, or not later than 1 year after, a period of military service by the servicemember, property listed in this paragraph is—

“(A) property that is specified under subsection (d), notwithstanding any State law that prohibits such exemptions; or

“(B) property that the debtor could have exempted if the debtor had been domiciled in the State of the debtor’s premilitary residence for a sufficient period to claim the exemptions allowed by that State.”.

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

(1) by inserting after paragraph (13A), as added by this Act, the following:

“(13B) ‘dependent’, with respect to a servicemember, means—

“(A) the servicemember’s spouse;

“(B) the servicemember’s child (as defined in section 101(4) of title 38); or

“(C) an individual for whom the servicemember provided more than 50 percent of the individual’s support during the 180-day period immediately before the petition;”.

(2) by inserting after paragraph (39A), as added by this Act, the following:

“(39B) ‘military service’ means—

“(A) in the case of a servicemember who is a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard—

“(i) active duty (as defined in section 101(d)(1) of title 10); and

“(ii) in the case of a member of the National Guard of the United States, service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, for purposes of responding to a national emergency declared by the President and supported by Federal funds;

“(B) in the case of a servicemember who is a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration, active service; and

“(C) any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause;”.

(3) by inserting after paragraph (40B), as added by this Act, the following:

“(40C) ‘period of military service’ means the period beginning on the date on which a servicemember enters military service and ending on the date on which the servicemember—

“(A) is released from military service; or

“(B) dies while in military service;”;

(4) by inserting after paragraph (51D), as added by this Act, the following:

“(51E) ‘servicemember’ means a member of the uniformed services (as defined in section 101(a)(5) of title 10);”.

On page 191, between lines 11 and 12, insert the following:

**SEC. 322A. EXEMPTION FOR SERVICEMEMBERS.**

Section 522 of title 11, United States Code, as amended by sections 224, 308, and 322, is further amended by adding at the end the following:

“(r) If the debtor or the spouse of the debtor is a servicemember (as defined in section 101 of the Servicemembers Civil Relief Act (50 U.S.C. App. 511(1))) or a veteran (as defined in section 101(2) of title 38, United States Code) or the spouse of the debtor dies while in military service (as defined in section 101(2) of the Servicemembers Civil Relief Act (50 U.S.C. App. 511(2))), and the debtor or the spouse of the debtor elects to exempt property—

“(1) under subsection (b)(2), the debtor may, in lieu of the exemption provided under subsection (d)(1), exempt the debtor’s aggregate interest, not to exceed \$75,000 in value, in—

“(A) real property 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; or

“(2) under subsection (b)(3), and the exemption provided under applicable law that may be applied to such property is for less than \$75,000 in value, the debtor may, in lieu of such exemption, exempt the debtor’s aggregate interest, not to exceed \$75,000 in value, in any property described in subparagraph (A), (B), or (C) of paragraph (1).”.

**SA 17. Mr. FEINGOLD** proposed an amendment to the bill S. 256, to amend title 11 of the United States Code, and for other purposes; as follows:

On page 191, between lines 11 and 12, insert the following:

**SEC. 322A. EXEMPTION FOR THE ELDERLY.**

Section 522 of title 11, United States Code, as amended by sections 224, 308, and 322, is amended by adding at the end the following:

“(r) For a debtor whose age is 62 or older on the date of the filing of the petition, if the debtor elects to exempt property—

“(1) under subsection (b)(2), then in lieu of the exemption provided under subsection (d)(1), the debtor may elect to exempt the debtor’s aggregate interest, not to exceed \$75,000 in value, in real property or personal property that the debtor or a dependent of the debtor uses as a residence, in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence, or in a burial plot for the debtor or a dependent of the debtor; or

“(2) under subsection (b)(3), then if the exemption provided under applicable law that may be applied to such property is for less than \$75,000 in value, the debtor may elect in lieu of such exemption to exempt the debtor’s aggregate interest, not to exceed \$75,000 in value, in any such real or personal property, cooperative, or burial plot.”.

**SA 18. Mrs. FEINSTEIN** submitted an amendment intended to be proposed by

her to the bill S. 256, to amend title 11 of the United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, between lines 7 and 8, insert the following:

“(v) In addition to the other grounds by which the presumption of abuse may be rebutted under this subparagraph, the debtor may rebut the presumption of abuse by showing catastrophic financial hardship caused by illness, resulting in substantial unreimbursed expenses for necessary medical care, that burdens the debtor to such an extent that the debtor is unable to repay the medical debt over the debtor’s lifetime, in the judgement of the court. If the debtor rebuts the presumption of abuse under this clause, the bankruptcy judge shall not dismiss or convert the case to a proceeding under chapter 13 of this title.

**SA 19. Mrs. FEINSTEIN** (for herself and Mr. KYL) submitted an amendment intended to be proposed by her to the bill S. 256, to amend title 11 of the United States Code, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 473, strike line 14 and all that follows through page 482, line 24, and insert the following:

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) ENHANCED DISCLOSURE UNDER AN OPEN END CREDIT PLAN.—

“(A) IN GENERAL.—A credit card issuer shall provide, with each billing statement provided to a cardholder in a State, the following on the front of the first page of the billing statement in type no smaller than that required for any other required disclosure, but in no case in less than 8-point capitalized type:

“(i) A written statement in the following form: ‘Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance.’.

“(ii) Either of the following:

“(I) A written statement in the form of and containing the information described in item (aa) or (bb), as applicable, as follows:

“(aa) A written 3-line statement, as follows: ‘A one thousand dollar (\$1,000) balance will take 17 years and 3 months to pay off at a total cost of two thousand five hundred ninety dollars and thirty-five cents (\$2,590.35). A two thousand five hundred dollar (\$2,500) balance will take 30 years and 3 months to pay off at a total cost of seven thousand seven hundred thirty-three dollars and forty-nine cents (\$7,733.49). A five thousand dollar (\$5,000) balance will take 40 years and 2 months to pay off at a total cost of sixteen thousand three hundred five dollars and thirty-four cents (\$16,305.34). This information is based on an annual percentage rate of 17 percent and a minimum payment of 2 percent or ten dollars (\$10), whichever is greater.’. In the alternative, a credit card issuer may provide this information for the 3 specified amounts at the annual percentage rate and required minimum payment that are applicable to the cardholder’s account. The statement provided shall be immediately preceded by the statement required by clause (i).

“(bb) Instead of the information required by item (aa), retail credit card issuers shall provide a written 3-line statement to read, as follows: ‘A two hundred fifty dollar (\$250) balance will take 2 years and 8 months to pay off a total cost of three hundred twenty-five dollars and twenty-four cents (\$325.24). A

five hundred dollar (\$500) balance will take 4 years and 5 months to pay off at a total cost of seven hundred nine dollars and ninety cents (\$709.90). A seven hundred fifty dollar (\$750) balance will take 5 years and 5 months to pay off at a total cost of one thousand ninety-four dollars and forty-nine cents (\$1,094.49). This information is based on an annual percentage rate of 21 percent and a minimum payment of 5 percent or ten dollars (\$10), whichever is greater. In the alternative, a retail credit card issuer may provide this information for the 3 specified amounts at the annual percentage rate and required minimum payment that are applicable to the cardholder's account. The statement provided shall be immediately preceded by the statement required by clause (i). A retail credit card issuer is not required to provide this statement if the cardholder has a balance of less than five hundred dollars (\$500).

“(II) A written statement providing individualized information indicating an estimate of the number of years and months and the approximate total cost to pay off the entire balance due on an open-end credit card account if the cardholder were to pay only the minimum amount due on the open-ended account based upon the terms of the credit agreement. For purposes of this subclause only, if the account is subject to a variable rate, the creditor may make disclosures based on the rate for the entire balance as of the date of the disclosure and indicate that the rate may vary. In addition, the cardholder shall be provided with referrals or, in the alternative, with the ‘800’ telephone number of the National Foundation for Credit Counseling through which the cardholder can be referred, to credit counseling services in, or closest to, the cardholder's county of residence. The credit counseling service shall be in good standing with the National Foundation for Credit Counseling or accredited by the Council on Accreditation for Children and Family Services. The creditor is required to provide, or continue to provide, the information required by this clause only if the cardholder has not paid more than the minimum payment for 6 consecutive months, beginning after January 1, 2005.

“(iii)(I) A written statement in the following form: ‘For an estimate of the time it would take to repay your balance, making only minimum payments, and the total amount of those payments, call this toll-free telephone number: (Insert toll-free telephone number)’. This statement shall be provided immediately following the statement required by clause (ii)(I). A credit card issuer is not required to provide this statement if the disclosure required by clause (ii)(II) has been provided.

“(II) The toll-free telephone number shall be available between the hours of 8 a.m. and 9 p.m., 7 days a week, and shall provide consumers with the opportunity to speak with a person, rather than a recording, from whom the information described in subclause (I) may be obtained.

“(III) The Federal Trade Commission shall establish not later than 1 month after the date of enactment of this paragraph a detailed table illustrating the approximate number of months that it would take and the approximate total cost to repay an outstanding balance if the consumer pays only the required minimum monthly payments and if no other additional charges or fees are incurred on the account, such as additional extension of credit, voluntary credit insurance, late fees, or dishonored check fees by assuming all of the following:

“(aa) A significant number of different annual percentage rates.

“(bb) A significant number of different account balances, with the difference between

sequential examples of balances being no greater than \$100.

“(cc) A significant number of different minimum payment amounts.

“(dd) That only minimum monthly payments are made and no additional charges or fees are incurred on the account, such as additional extensions of credit, voluntary credit insurance, late fees, or dishonored check fees.

“(IV) A creditor that receives a request for information described in subclause (I) from a cardholder through the toll-free telephone number disclosed under subclause (I), or who is required to provide the information required by clause (ii)(II), may satisfy the creditor's obligation to disclose an estimate of the time it would take and the approximate total cost to repay the cardholder's balance by disclosing only the information set forth in the table described in subclause (III). Including the full chart along with a billing statement does not satisfy the obligation under this paragraph.

“(B) DEFINITIONS.—In this paragraph:

“(i) OPEN-END CREDIT CARD ACCOUNT.—The term ‘open-end credit card account’ means an account in which consumer credit is granted by a creditor under a plan in which the creditor reasonably contemplates repeated transactions, the creditor may impose a finance charge from time to time on an unpaid balance, and the amount of credit that may be extended to the consumer during the term of the plan is generally made available to the extent that any outstanding balance is repaid and up to any limit set by the creditor.

“(ii) RETAIL CREDIT CARD.—The term ‘retail credit card’ means a credit card that is issued by or on behalf of a retailer, or a private label credit card, that is limited to customers of a specific retailer.

“(C) EXEMPTIONS.—

“(i) MINIMUM PAYMENT OF NOT LESS THAN TEN PERCENT.—This paragraph shall not apply in any billing cycle in which the account agreement requires a minimum payment of not less than 10 percent of the outstanding balance.

“(ii) NO FINANCE CHARGES.—This paragraph shall not apply in any billing cycle in which finance charges are not imposed.”.

**SA 20.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 256, to amend title 11 of the United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, between lines 2 and 3, insert the following:

“(VI) In addition, the debtor's monthly expenses shall include the actual, reasonable expenses for operation of transportation and for public transportation, including costs for fuel, maintenance, automobile insurance, and public transportation, to the extent that the actual costs exceed the Local Standards issued by the Internal Revenue Service for operating and public transportation costs.

“(VII) In addition, if a debtor owns a home, the debtor's monthly expenses shall include the actual, reasonable expenses for home maintenance, including costs for repairs, maintenance, taxes, and home insurance. In the case of a debtor who does not own a home, such expenses shall be included to the extent that such expenses cause the debtor's housing expenses to exceed the amounts permitted under the Local Standards issued by the Internal Revenue Service for housing.

“(VIII) In addition, if the debtor owns a motor vehicle for which no secured debt payments are scheduled, or for which secured debt payments are scheduled for less than 60 months, the debtor's monthly expenses shall

include the monthly ownership costs permitted by the Internal Revenue Service for the number of months in which no secured debt payment on the vehicle is scheduled, divided by 60. Such additional ownership costs shall be included for each vehicle for which the debtor would be permitted ownership costs under the Internal Revenue Service National Standards.

**SA 21.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 256, to amend title 11 of the United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, between lines 2 and 3, insert the following:

“(VI) In addition, the debtor's monthly expenses shall include the reasonably necessary monthly expenses incurred by a debtor who is eligible to receive or is receiving payments under State unemployment insurance laws, the Federal dislocated workers assistance programs under title III of the Job Training Partnership Act (29 U.S.C. 1501 et seq.) or the successor Workforce Investment Act of 1998 (20 U.S.C. 9201 et seq.), the trade adjustment assistance programs provided for under title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), or State assistance programs for displaced or dislocated workers and incurred for the purpose of obtaining and maintaining employment.

**SA 22.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 256, to amend title 11 of the United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, line 8, strike “(receive)” and insert “(receive) reduced by an amount, if any, that is equal to the amount of child support payments that the debtor's spouse owed to the debtor for such month, but did not pay,”.

**SA 23.** Mr. SESSIONS proposed an amendment to the bill S. 256, to amend title 11 of the United States Code, and for other purposes; as follows:

On page 12, line 10, insert after “special circumstances” the following: “, such as a serious medical condition or a call or order to active duty in the Armed Forces, to the extent such special circumstances”.

On page 18, line 4, insert after “debtor” the following: “, including a veteran (as that term is defined in section 101 of title 38),”.

**SA 24.** Mr. ROCKEFELLER (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 256, to amend title 11 of the United States Code, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 498, strike line 20 and all that follows through page 499, line 2, and insert the following:

#### **SEC. 1401. EMPLOYEE WAGE AND BENEFIT PRIORITIES.**

Section 507(a) of title 11, United States Code, as amended by section 212, is amended—

(1) in paragraph (4)—

(A) by striking “within 90 days”; and

(B) by striking “but only to the extent” and all that follows through “each individual or corporation” and inserting “but only to the extent of \$15,000 for each individual or corporation”; and

(2) in paragraph (5)(B)(i), by striking “multiplied by” and all that follows through “;

less" and inserting "multiplied by \$15,000; less".

**SEC. 1401A. PAYMENT OF INSURANCE BENEFITS OF RETIREES.**

(a) IN GENERAL.—Section 1114(j) of title 11, United States Code, is amended to read as follows:

"(j)(1) No claim for retiree benefits shall be limited by section 502(b)(7).

"(2)(A) Each retiree whose benefits are modified pursuant to subsection (e)(1) or (g) shall have a claim in an amount equal to the value of the benefits lost as a result of such modification. Such claim shall be reduced by the amount paid by the debtor under subparagraph (B).

"(B)(i) In accordance with section 1129(a)(13)(B), the debtor shall pay the retiree with a claim under subparagraph (A) an amount equal to the cost of 18 months of premiums on behalf of the retiree and the dependents of the retiree under section 602(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(3)), which amount shall not exceed the amount of the claim under subparagraph (A).

"(ii) If a retiree under clause (i) is not eligible for continuation coverage (as defined in section 602 of the Employee Retirement Income Security Act of 1974), the Secretary of Labor shall determine the amount to be paid by the debtor to the retiree based on the 18-month cost of a comparable health insurance plan.

"(C) Any amount of the claim under subparagraph (A) that is not paid under subparagraph (B) shall be a general unsecured claim."

(b) CONFIRMATION OF PLAN.—Section 1129(a)(13) of title 11, United States Code, is amended to read as follows:

"(13) The plan provides—

"(A) for the continuation after its effective date of the payment of all retiree benefits (as defined in section 1114), at the level established pursuant to subsection (e)(1) or (g) of section 1114, at any time before the confirmation of the plan, for the duration of the period the debtor has obligated itself to provide such benefits; and

"(B) that the holder of a claim under section 1114(j)(2)(A) shall receive from the debtor, on the effective date of the plan, cash equal to the amount calculated under section 1114(j)(2)(B)."

(c) RULEMAKING.—The Secretary of Labor shall promulgate rules and regulations to carry out the amendments made by this section.

**SA 25.** Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 256, to amend title 11 of the United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 473, between lines 9 and 10, insert the following:

**SEC. 1236. PROTECTION OF COAL INDUSTRY HEALTH BENEFITS.**

Section 9711(g) of the Internal Revenue Code of 1986 (relating to rules applicable to this part and part II) is amended by adding at the end the following new paragraph:

"(3) PROHIBITION ON TERMINATION AND MODIFICATION OF BENEFITS.—Except as provided in subsection (d), the benefits required to be provided by a last signatory operator under this chapter may not be terminated or modified by any court in a proceeding under title 11 of the United States Code or by agreement at any time when such operator is participating in such a proceeding."

**SA 26.** Mr. LEAHY (for himself, Ms. SNOWE, and Ms. CANTWELL) proposed an

amendment to the bill S. 256, to amend title 11 of the United States Code, and for other purposes; as follows:

On page 132, between lines 5 and 6, insert the following:

**SEC. 234. PROTECTION OF PERSONAL INFORMATION.**

(a) RESTRICTION OF PUBLIC ACCESS TO CERTAIN INFORMATION CONTAINED IN BANKRUPTCY CASE FILES.—Section 107 of title 11, United States Code, is amended by striking subsection (b), and inserting the following:

"(b) On request of a party in interest, the bankruptcy court shall, and on the bankruptcy court's own motion, may, protect a person with respect to a trade secret or confidential research, development, or commercial information.

"(c) The bankruptcy court, for cause, may protect an individual, with respect to—

"(1) any means of identification (as defined in section 1028(d) of title 18) contained in a paper filed, or to be filed, in a case under this title; or

"(2) information contained in a paper described in paragraph (1) that could cause undue annoyance, embarrassment, oppression, or risk of injury to person or property."

(b) SECURITY OF SOCIAL SECURITY ACCOUNT NUMBER OF DEBTOR IN NOTICE TO CREDITOR.—Section 342(c) of title 11, United States Code, is amended—

(1) by inserting "last 4 digits of the" before "taxpayer identification number"; and

(2) by adding at the end the following: "If the notice concerns an amendment that adds a creditor to the schedules of assets and liabilities, the debtor shall include the full taxpayer identification number in the notice sent to that creditor, but the debtor shall include only the last 4 digits of the taxpayer identification number in the copy of the notice filed with the court."

**SA 27.** Mr. CHAFEE (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 256, to amend title 11 of the United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 196, line 14, insert ", other than redemptions under section 722 of this title," after "claim".

**NOTICES OF HEARINGS/MEETINGS**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing, entitled Power Generation Resource Incentives & Diversity Standards, will be held on Tuesday, March 8 at 2:30 p.m., in Room SD-366.

The purpose of the hearing is to receive testimony regarding ways to encourage the diversification of power generation resources. Issues to be discussed include: renewable portfolio standards (RPS) efforts among states and the cost and benefits of a federal RPS program. New approaches to promoting a variety of clean power resources, such as wind, solar, clean coal technology and nuclear power, will also be considered.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact: Shane Perkins at 202-224-7555.

**COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY**

Mr. CHAMBLISS. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold two hearings to consider the reauthorization of the Commodity Futures Trading Commission. The first hearing will be held on Tuesday, March 8, 2005, at 10 a.m., in SD-106, Dirksen Senate Office Building. The second hearing will be held on Thursday, March 10, 2005, at 10 a.m., in SR-328A, Russell Senate Office Building. Senator SAXBY CHAMBLISS will preside at both hearings.

For further information, please contact Robert Sturm at 202-224-2035.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ARMED SERVICES**

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 1, 2005, at 9:30 a.m., in open session to receive testimony from combatant commanders on their military strategy and operational requirements, in review of the defense authorization request for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 1, 2005, at 2 p.m., to conduct a hearing on the nomination of Mr. Ronald A. Rosenfeld, of Oklahoma, to be a Director of the Federal Housing Finance Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, March 1, at 10 a.m., to receive testimony on the President's proposed budget for FY 2006 for the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FINANCE**

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to