

REVISED SECTION-BY-SECTION
ANALYSIS FOR H.R. 6198 BANK-
RUPTCY TECHNICAL CORREC-
TIONS ACT OF 2010

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. SCOTT of Virginia. Madam Speaker, a version of this section-by-section analysis was included in the RECORD during the debate on this bill. The version below incorporates a few modest but important clarifications. I would ask that in the permanent RECORD, the version below replace the version now found in the September 28, 2010 daily edition of the RECORD, beginning on page H7159.

H.R. 6198, THE BANKRUPTCY TECHNICAL
CORRECTIONS ACT OF 2010 SECTION-BY-
SECTION EXPLANATION

Sec. 1. Short Title. Section 1 sets forth the short title of the bill as the "Bankruptcy Technical Corrections Act of 2010."

Sec. 2. Technical Corrections Relating to Amendments Made by Public Law 109-8. Section 2 makes a series of technical corrections to the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8 (2005 Act).

Subsection (a)(1)(A) amends section 101(13A) of title 11 of the United States Code (Bankruptcy Code), which defines "debtor's principal residence." The amendment clarifies that the definition pertains to a structure used by the debtor as a principal residence.

Subsection (a)(1)(B) amends Bankruptcy Code section 101(35), which defines "insured depository institution." The amendment corrects erroneous statutory references in this provision.

Subsection (a)(1)(C) amends Bankruptcy Code section 101(40B), which defines "patient records." The amendment clarifies that the term means a record relating to a patient, including a written document or an electronic record.

Subsection (a)(1)(D) amends Bankruptcy Code section 101(42), which defines "petition." The amendment deletes the reference to section 304 of the Bankruptcy Code, which was eliminated as a result of the 2005 Act, and adds a reference to section 1504, which was added by the 2005 Act.

Subsection (a)(1)(E) amends Bankruptcy Code section 101(51B), which defines "single asset real estate." The amendment corrects a drafting error by reinserting a missing word.

Subsection (a)(1)(F), amends Bankruptcy Code section 101(51D), which defines "small business debtor." The amendment clarifies that the debt limit specified therein is determined as of the date of the filing of the petition.

Subsection (a)(1)(G) redesignates paragraphs (56A) and (53D) of Bankruptcy Code section 101 as (53D) and (53E), respectively.

Subsection (a)(2) amends Bankruptcy Code section 103(a), which pertains to the applicability of chapters of the Code. The amendment corrects an erroneous statutory reference in this provision.

Subsection (a)(3) amends Bankruptcy Code section 105(d)(2), which pertains to status conferences. The amendment makes a grammatical correction.

Subsection (a)(4) amends Bankruptcy Code section 106(a)(1), which pertains to the waiver of sovereign immunity. The amendment deletes a reference to Bankruptcy Code section 728, which was eliminated by the 2005 Act.

Subsection (a)(5) amends Bankruptcy Code section 107(a), which pertains to public access to bankruptcy cases. The amendment corrects a drafting instruction error.

Subsection (a)(6) makes several amendments to Bankruptcy Code section 109, which sets forth the eligibility criteria for a debtor. Subsection (a)(6)(A) amends Bankruptcy Code section 109(b)(3)(B) to add a missing parenthesis. Subsection (a)(6)(B) makes a conforming amendment to Bankruptcy Code section 109(h)(1) to clarify that Bankruptcy Code section 109(h)(4) is an exception. In addition, subsection (a)(6)(B) clarifies that the 180-day period ends on the date of the filing of the petition.

Subsection (a)(7) amends Bankruptcy Code section 110, which pertains to bankruptcy petition preparers. It makes conforming amendments to Bankruptcy Code section 110(b)(2)(A) and (h)(1) so that they conform to other provisions in section 110 with respect to fees received by a petition preparer on behalf of a debtor. In addition, subsection (a)(7) restructures section 110(h)(3) to clarify the court's authority to disallow fees under this provision.

Subsection (a)(8) amends Bankruptcy Code section 111, which concerns nonprofit budget and credit counseling agencies and financial management instructional courses. The amendment corrects two typographical errors in Bankruptcy Code section 111(d)(1)(E). The first error concerns incorrect punctuation and the second error pertains to incorrect indentation of the subparagraph.

Subsection (a)(9) amends Bankruptcy Code section 303, which pertains to involuntary bankruptcy cases. The amendment corrects the misdesignation of subsection (1) by redesignating it as subsection (k).

Subsection (a)(10) amends Bankruptcy Code section 308, which concerns reporting requirements for small business debtors. The amendment restructures subsection 308(b)(4) to clarify its intent.

Subsection (a)(11) makes two amendments to Bankruptcy Code section 348, which pertains to the effect of conversion of a case. First, it amends Bankruptcy Code section 348(b) to strike references to Bankruptcy Code sections 728(a), 728(b), 1146(a) and 1146(b) as these provisions were eliminated by the 2005 Act. Second, it amends Bankruptcy Code section 348(f)(1)(C)(i) to clarify that the provision applies with respect to the date of the filing of the petition.

Subsection (a)(12) amends Bankruptcy Code section 362, which pertains to the automatic stay, in several respects. First, the amendment makes a stylistic correction to subsection 362(a)(8) with respect to its reference to a debtor that is a corporation. Second, it adds a missing article in subsection 362(c)(3). Third, the amendment conforms the reference in subsection 362(c)(4)(A)(i) to "refiled" with subsection 362(c)(3) so that it applies to a case filed under a chapter other than chapter 7 after dismissal of a prior case pursuant to Bankruptcy Code section 707(b). Fourth, it corrects an erroneous conjunctive in subsection 362(d)(4). Fifth, it corrects a spelling error in subsection 362(1).

Subsection (a)(13) amends Bankruptcy Code section 363, which concerns the use, sale, or lease of property. The amendment restructures subsection 363(d) to clarify its intent.

Subsection (a)(14) amends Bankruptcy Code section 505, which pertains to the determination of tax liability. The amendment corrects the provision's use of terminology.

Subsection (a)(15) amends Bankruptcy Code section 507, which pertains to priorities. The amendment corrects a punctuation error.

Subsection (a)(16) amends Bankruptcy Code section 521, which pertains to the du-

ties of the debtor. The amendment makes several revisions. First, it deletes redundant text in subsection 521(a)(2)(A) and (B). Second, it restructures section 521(a)(2) to clarify its meaning. Third, the amendment corrects grammatical errors in paragraphs (3) and (4) of subsection 521(a).

Subsection (a)(17) amends Bankruptcy Code section 522, which concerns exemptions. The amendment corrects two grammatical errors in subsection 522(b)(3)(A). In addition, it makes a conforming revision to subsection 522(c)(1).

Subsection (a)(18) amends Bankruptcy Code section 523, which pertains to the dischargeability of debts. The amendment corrects a punctuation error in subsection 523(a)(2)(C)(ii)(II) and corrects an erroneous statutory cross reference in subsection 523(a)(3).

Subsection (a)(19) amends Bankruptcy Code section 524, which concerns reaffirmation agreements, among other matters. The amendment makes several revisions. First, it corrects erroneous terminology in subsection 524(k)(3)(J)(i) and inserts a missing verb. Second, it corrects a punctuation error in subsection 524(k)(5)(B).

Subsection (a)(20) amends Bankruptcy Code section 526, which deals with restrictions on debt relief agencies. The amendment makes a conforming revision to subsection 526(a)(2). It also adds a missing article to subsection 526(a)(4).

Subsection (a)(21) amends Bankruptcy Code section 527, which concerns disclosures by debt relief agencies. The amendment makes a grammatical correction.

Subsection (a)(22) amends Bankruptcy Code section 541, which deals with property of the estate. The amendment corrects a statutory reference to the Internal Revenue Code of 1986 in section 541(b)(6)(B).

Subsection (a)(23) amends Bankruptcy Code section 554, which concerns abandonment. The amendment corrects an erroneous statutory reference in subsection 554(c).

Subsection (a)(24) amends Bankruptcy Code section 704, which pertains to duties of the trustee. The amendment corrects an erroneous statutory reference in subsection 704(a)(3).

Subsection (a)(25) amends Bankruptcy Code section 707, which concerns dismissal of a chapter 7 case or conversion to a case under chapter 11 or 13. The amendment makes several revisions. First, it corrects an erroneous statutory cross reference in subsection 707(a)(3). Second, the amendment clarifies that the provision's reference to date means the date of the filing of the petition in subsection 707(b)(2)(A)(iii)(I). Third, the amendment corrects an erroneous statutory reference in subsection 707(b)(3).

Subsection (a)(26) amends Bankruptcy Code section 723(c), which pertains to the rights of a partnership trustee against general partners. The amendment strikes a reference to Bankruptcy Code section 728, which was eliminated by the 2005 Act.

Subsection (a)(27) amends Bankruptcy Code section 724, which concerns the treatment of liens. The amendment clarifies certain statutory references in section 724(b)(2) and makes other clarifying revisions.

Subsection (a)(28) amends Bankruptcy Code section 726(b), which concerns distribution priorities in a chapter 7 case, to add a statutory reference to section 507(a)(9) and (10).

Subsection (a)(29) amends Bankruptcy Code section 901, which concerns the applicability of the Bankruptcy Code to municipality cases. The amendment adds references to Bankruptcy Code sections 333, dealing with the appointment of a patient care ombudsman, and 351, concerning the disposal of patient records, both of which were added by the 2005 Act.

Subsection (a)(30) amends Bankruptcy Code section 1104, which pertains to the appointment of a trustee and examiner. The amendment restructures subsection 1104(a) to clarify the provision's intent and how it relates to Bankruptcy Code section 1112(b), as amended by the 2005 Act. In addition, it corrects an erroneous statutory reference in subsection 1104(b)(2)(B)(ii).

Subsection (a)(31) amends Bankruptcy Code section 1106, which pertains to the duties of a trustee and examiner. The amendment corrects two erroneous statutory references in section 1106(a).

Subsection (a)(32) amends Bankruptcy Code section 1111, which concerns claims and interests. The amendment corrects an erroneous statutory reference in section 1111(a).

Subsection (a)(33) amends Bankruptcy Code section 1112(b), which sets forth the grounds for converting or dismissing a chapter 11 case. The amendment restructures this provision to eliminate an internal redundancy. In addition, it corrects an erroneous statutory reference in section 1112(e).

Subsection (a)(34) amends Bankruptcy Code section 1127, which pertains to modification of a chapter 11 plan. The amendment corrects an erroneous statutory reference in section 1127(f)(1).

Subsection (a)(35) amends Bankruptcy Code section 1129(a), which sets forth the criteria for confirmation of a chapter 11 plan. The amendment makes a grammatical correction to section (a)(16).

Subsection (a)(36) amends Bankruptcy Code section 1141(d)(5), which concerns the effect of confirmation. The amendment clarifies the intent of this provision.

Subsection (a)(37) amends Bankruptcy Code section 1145(b), which pertains to the applicability of securities laws. The amendment corrects an erroneous statutory reference in this section.

Subsection (a)(38) amends Bankruptcy Code section 1202, which details the responsibilities of a trustee in a chapter 12 case. The amendment corrects several erroneous statutory references in section 1202(b).

Subsection (a)(39) amends Bankruptcy Code section 1302, which details the responsibilities of a trustee in a chapter 13 case. The amendment corrects several erroneous statutory references in section 1302(b)(1).

Subsection (a)(40) amends Bankruptcy Code section 1304, which concerns a chapter 13 debtor engaged in business. The amendment corrects an erroneous statutory reference in section 1304(c).

Subsection (a)(41) amends Bankruptcy Code section 1307, which sets forth the grounds for converting or dismissing a chapter 13 case. The amendment corrects several erroneous statutory references in this section.

Subsection (a)(42) amends Bankruptcy Code section 1308, which concerns the filing of prepetition tax returns. The amendment clarifies several statutory references in section 1308(b)(2).

Subsection (a)(43) amends Bankruptcy Code section 1322(a), which pertains to the contents of a chapter 13 plan. The amendment corrects an internal inconsistency.

Subsection (a)(44) amends Bankruptcy Code section 1325, which pertains to confirmation of a chapter 13 plan. The amendment adds a missing word to subsection 1325(a) and adds a missing parenthesis to subsection 1325(b)(2)(A)(ii).

Subsection (a)(45) amends the heading of Bankruptcy Code section 1511, to include a reference to section 302.

Subsection (a)(46) amends Bankruptcy Code section 1519, which pertains to the relief that may be granted upon the filing of a petition for recognition in a chapter 15 case. The amendment corrects an erroneous statutory reference in section 1519(f).

Subsection (a)(47) amends Bankruptcy Code section 1521(f) which concerns relief that may be granted upon recognition in a chapter 15 case. The amendment corrects an erroneous statutory reference.

Subsection (a)(48) amends Bankruptcy Code section 1529, which concerns the coordination of a case under title 11 and a foreign proceeding. The amendment adds a missing word to section 1529(1).

Subsection (a)(49) amends the table of sections for chapter 3 of the Bankruptcy Code to correct an erroneous description of section 333.

Subsection (a)(50) amends the table of sections for chapter 5 of the Bankruptcy Code to correct an erroneous description of section 562.

Subsection (b) amends section 157 of title 18 of the United States Code, which concerns bankruptcy fraud. The amendment removes superfluous references in this section.

Subsection (c)(1) amends section 158 of title 28 of the United States Code, which pertains to bankruptcy appeals. The amendment corrects a grammatical error in section 158(d)(2)(D).

Subsection (c)(2) amends section 159 of title 28 of the United States Code, which pertains to the collection of bankruptcy statistics. The amendment adds a missing word to section 159(c)(3)(H).

Subsection (c)(3) amends section 586 of title 28 of the United States Code, which concerns the United States Trustee Program. The amendment corrects a punctuation error in section 586(a)(3)(A)(ii), corrects erroneous terminology in section 586(a)(7)(C), and eliminates redundant language in section 586(a)(8).

Sec. 3. Technical Correction to Public Law 109-8. Section 3 amends section 1406(b)(1) of the 2005 Act to correct a spelling error.

TRIBUTE TO SERGEANT MICHAEL F. PARANZINO

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. KENNEDY. Madam Speaker, I rise today to pay tribute to Sergeant Michael F. Paranzino, from Middletown, Rhode Island, who lost his life on November 5, 2010, of injuries sustained while serving his country in Kandahar, Afghanistan.

Sergeant Paranzino was the loving husband of Lindsey (Christopher) Paranzino and the proud tither of Maxton and Logan of Fort Drum, New York. He was assigned as a cavalry scout to the 1st Brigade Combat Team, 10th Mountain Division.

Born in Newport, Rhode Island on December 4, 1987, Sergeant Paranzino was the son of Francis "Butch" and Melane C. Paranzino and the brother of Daniel F. Paranzino of Middletown, Rhode Island. He was a 2006 graduate of Middletown High School. While he was a student at Middletown High School, he made trips to Nicaragua in January of 2005 and 2006 with the Northeast Volunteer Optometric Services to Humanity to provide humanitarian support to the disadvantaged and poor in Catarina and Nandasmio, Nicaragua. These trips provided life-expanding experiences for Sergeant Paranzino and were the precursor to many of the values he believed in along with the leadership skills that he displayed as an Army Sergeant.

A year after his graduation from Middletown High School, Sergeant Paranzino enlisted in

the Army and was a cavalry scout with the 1st Squadron, 71st Cavalry Regiment. After his basic training he was stationed at Fort Drum, New York in 2008 and was deployed to the Middle East as part of Operation Iraqi Freedom just a few months later. In 2010 Sergeant Paranzino was sent to Afghanistan to support Operation Enduring Freedom. He was recognized with more than 10 decorations for his military service just after three-plus years, including the Army Achievement Medal, the Meritorious Unit Commendation, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Ribbon, the NATO Medal and the Combat Action Badge.

Today, as we celebrate the life and accomplishments of this exceptional Rhode Islander, my thoughts and prayers are with Sergeant Paranzino's family and friends.

We are all deeply indebted to Sergeant Paranzino for his service and his sacrifice.

HONORING BENJAMIN JAMES PATRICK HUBER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Benjamin James Patrick Huber. Benjamin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Benjamin has been very active with his troop, participating in many scout activities. Over the many years Benjamin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Benjamin has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Benjamin James Patrick Huber for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING DIABETES AWARENESS MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. DAVIS of Illinois. Madam Speaker, I rise today to bring awareness to the disease of diabetes. This month has been set aside to increase awareness of diabetes, its prevention and ways to manage its impact. According to the Centers for Disease Control nearly 24 million Americans have diabetes. It is the seventh leading cause of death in the United States and costs \$174 billion in health care expenses. Diabetes disproportionately impacts the African American and Hispanic communities. It is estimated that nearly 3.7 million African Americans aged 20 years or older have