

“(9) when the United States trustee deems it appropriate—

“(A) monitor and investigate the conduct of other parties in interest with respect to claims; and

“(B) take action that the United States trustee deems necessary to prevent or remedy any negligent, reckless, or fraudulent assertion of a claim, as defined in section 113(a) of title 11, by exercising any of the United States trustee’s powers and authorities under this title and under title 11 respecting claims, including—

“(i) filing, pursuing, or commenting upon any action brought under section 113 of title 11; and

“(ii) filing, pursuing, or commenting upon any civil action, or upon any civil proceeding arising under title 11, or arising in or related to a case under title 11.”.

SEC. 4. PROCEDURES FOR THE AUDITING OF PROOFS OF CLAIM.

(a) TITLE 28.—Section 586 of title 28, United States Code, is amended by adding at the end the following:

“(g)(1) CLAIMS AUDIT PROCEDURES.—

“(A) The Director of the Executive Office for United States Trustees shall establish audit procedures to determine the accuracy, veracity, and completeness of proofs of claim filed under section 501(a) of title 11, with respect to cases filed under chapter 7 or 13 of title 11, in which the debtor is an individual.

“(B) The procedures established pursuant to subparagraph (A) shall—

“(i) establish a method of selecting appropriate qualified persons to contract to perform audits;

“(ii) establish a method of selecting proofs of claim to be audited, except that the number of audits to be performed shall be within the sole discretion of the Director of the Executive Office for United States Trustees; and

“(iii) establish procedures for providing, not less frequently than annually, public information concerning the aggregate results of such audits, including the percentage of cases, by district, in which inaccurate, untrue, or incomplete proofs of claim were filed.

“(2) The United States trustee for each district is authorized to contract with auditors to perform audits of proofs of claim designated by the United States trustee, in accordance with the procedures established under paragraph (1). An audit may, in the discretion of the United States trustee, encompass multiple proofs of claim filed by the same entity in one case or multiple cases, whether in the same district or multiple districts. The United States trustees from multiple regions may contract with a single auditor to audit proofs of claim filed by the same entity in districts within their regions.

“(3)(A) The report of each audit performed pursuant to paragraph (2) shall be filed with the court where the case is pending and transmitted to the United States trustee and to any trustee serving in the case. Each such report shall clearly and conspicuously specify any findings that the claim asserted in the proof of claim is—

“(i) not valid;

“(ii) not owed in the amount claimed; or

“(iii) not supported by adequate documentation.

“(B) If a claims audit report identifies deficiencies in the proof of claim as described in paragraph (2)(A), the United States trustee shall—

“(i) if appropriate, report the deficient filing to the United States Attorney pursuant to section 3057 of title 18; and

“(ii) if advisable, take appropriate action, including objecting to the proof of claim under section 502(b) of title 11, or commencing an action under section 113(b) of

title 11, against entities responsible for the deficiencies.”.

(b) TITLE 11.—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 inserting “; or”; and

(3) by adding at the end the following:

“(10) the court finds the entity filing a proof of claim that was selected for audit under section 586(g) of title 28 failed to make available to the auditor for inspection necessary accounts, papers, documents, financial records, files, or other papers, that were requested by the auditor.”.

SEC. 5. TREATMENT OF SERVICEMEMBERS IN FORECLOSURE.

Section 362(d) of title 11, United States Code, is amended by adding at the end of the undesignated matter following paragraph (4) the following: “In any case under this title involving a servicemember, as defined in section 101 of the Servicemembers Civil Relief Act, to whom section 303 of that Act applies, no action may be taken under this subsection unless the party in interest certifies, under penalty of perjury, that the requirements of section 303 of the Servicemembers Civil Relief Act have been met.”.

SEC. 6. EFFECTIVE DATES.

(a) REMEDIES; DUTY TO ADDRESS CLAIMS.—The provisions of section 113 and section 362(d) of title 11, United States Code, and paragraph (9) of section 586(a) of title 28, United States Code, added by this Act, shall become effective with respect to all cases filed or pending under title 11, United States Code, on or after the date of enactment of this Act.

(b) AUDITING OF PROOFS OF CLAIM.—Section 586(g) of title 28, United States Code, as added by this Act, shall become effective 18 months after the date of enactment of this Act for all cases filed or pending on or after that date of enactment, except that the Director of the Executive Office for United States Trustees may, in the sole discretion of the Director, establish an earlier effective date by publishing notice in the Federal Register at least 2 weeks before the proposed effective date.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 196—CALLING UPON THE GOVERNMENT OF TURKEY TO FACILITATE THE REOPENING OF THE ECUMENICAL PATRIARCHATE’S THEOLOGICAL SCHOOL OF HALKI WITHOUT CONDITION OF FURTHER DELAY

Mr. CARDIN (for himself, Ms. SNOWE, Mr. REID of Nevada, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 196

Whereas the Ecumenical Patriarchate is an institution with a history spanning 17 centuries, serving as the center of the Orthodox Christian Church throughout the world;

Whereas the Ecumenical Patriarchate sits at the crossroads of East and West, offering a unique perspective on the religions and cultures of the world;

Whereas the title of Ecumenical Patriarch was formally accorded to the Archbishop of Constantinople by a synod convened in Constantinople during the sixth century;

Whereas, since November 1991, His All Holiness, Bartholomew I, has served as Archbishop of Constantinople, New Rome and Ecumenical Patriarch;

Whereas Ecumenical Patriarch Bartholomew I was awarded the Congressional Gold Medal in 1997, in recognition of his outstanding and enduring contributions toward religious understanding and peace;

Whereas, during the 110th Congress, 75 Senators and the overwhelming majority of members of the Committee on Foreign Affairs of the House of Representatives wrote to President George W. Bush and the Prime Minister of Turkey to express congressional concern, which continues today, regarding the absence of religious freedom for Ecumenical Patriarch Bartholomew I in the areas of church-controlled Patriarchal succession, the confiscation of the vast majority of Patriarchal properties, recognition of the international Ecumenicity of the Patriarchate, and the reopening of the Theological School of Halki;

Whereas the Theological School of Halki, founded in 1844 and located outside Istanbul, Turkey, served as the principal seminary for the Ecumenical Patriarchate until its forcible closure by the Turkish authorities in 1971;

Whereas the alumni of this preeminent educational institution include numerous prominent Orthodox scholars, theologians, priests, bishops, and patriarchs, including Bartholomew I;

Whereas the Republic of Turkey has been a participating state of the Organization for Security and Cooperation in Europe (OSCE) since signing the Helsinki Final Act in 1975;

Whereas in 1989, the OSCE participating states adopted the Vienna Concluding Document, committing to respect the right of religious communities to provide “training of religious personnel in appropriate institutions”;

Whereas the continued closure of the Ecumenical Patriarchate’s Theological School of Halki has been an ongoing issue of concern for the American people and the United States Congress and has been repeatedly raised by members of the Commission on Security and Cooperation in Europe and by United States delegations to the OSCE’s annual Human Dimension Implementation Meeting;

Whereas, in his address to the Grand National Assembly of Turkey on April 6, 2009, President Barack Obama said, “Freedom of religion and expression lead to a strong and vibrant civil society that only strengthens the state, which is why steps like reopening Halki Seminary will send such an important signal inside Turkey and beyond.”;

Whereas, in a welcomed development, the Prime Minister of Turkey, Recep Tayyip Erdogan, met with the Ecumenical Patriarch on August 15, 2009, and, in an address to a wider gathering of minority religious leaders that day, concluded by stating, “We should not be of those who gather, talk, and disperse. A result should come out of this.”;

Whereas, during his visit to the United States in November 2009, Ecumenical Patriarch Bartholomew I raised the issue of the continued closure of the Theological School of Halki with President Obama, congressional leaders, and others;

Whereas, in a welcome development, for the first time since 1922, the Government of Turkey in August 2010 allowed the liturgical celebration by the Ecumenical Patriarch at the historic Sumela Monastery; and

Whereas, following a unanimous decision by the European Court of Human Rights in Strasbourg in 2010, ruling that Turkey return the former Greek Orphanage on Buyukada Island to the Ecumenical Patriarchate, on the eve of the feast day of St.

Andrew observed on November 30, the Government of Turkey provided lawyers representing the Ecumenical Patriarchate with the formal property title for the confiscated building; Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the historic meeting between Prime Minister Recep Tayyip Erdogan and Ecumenical Patriarch Bartholomew I;

(2) welcomes the positive gestures by the Government of Turkey, including allowing allowed the liturgical celebration by the Ecumenical Patriarch at the historic Sumela Monastery and the return of the former Greek Orphanage on Buyukada Island to the Ecumenical Patriarchate;

(3) urges the Government of Turkey to facilitate the reopening of the Ecumenical Patriarchate's Theological School of Halki without condition or further delay; and

(4) urges the Government of Turkey to address other longstanding concerns relating to the Ecumenical Patriarchate.

Mr. CARDIN. Mr. President, I am pleased to be joined today by Senators SNOWE, REID, SHAHEEN, WHITEHOUSE, and MENENDEZ in introducing a resolution calling upon the government of Turkey to facilitate the reopening of the Ecumenical Patriarchate's Theological School of Halki without condition or further delay.

I was privileged to again meet with the Ecumenical Patriarch, Bartholomew I, during his 2009 visit to the United States. His impassioned request to those of us gathered was for our support for the reopening of the Theological School of Halki, forcibly closed by the Turkish authorities in 1971. In this year marking the 40th anniversary of that tragic action, I urge the Turkish leadership to reverse this injustice and allow this unique religious institution to reopen.

Founded in 1844, the Theological School of Halki, located outside modern-day Istanbul, served as the principal seminary of the Ecumenical Patriarchate until its forced closure. Counted among alumni of this preeminent educational institution are numerous prominent Orthodox scholars, theologians, priests, and bishops as well as patriarchs, including Bartholomew I. Many of these scholars and theologians have served as faculty at other institutions serving Orthodox communities around the world.

Past indications by the Turkish authorities of pending action to reopen the seminary have, regrettably, failed to materialize. Turkey's Prime Minister, Recep Tayyip Erdogan, met with the Ecumenical Patriarch in August 2009. In an address to a wider gathering of minority religious leaders that day, Erdogan concluded by stating, "We should not be of those who gather, talk and disperse. A result should come out of this." I could not agree more with the sentiment. But resolution of this longstanding matter requires resolve, not rhetoric.

In a positive development last August, the authorities in Ankara, for the first time since 1922, permitted a liturgical celebration to take place at the historic Sumela Monastery. The Ecumenical Patriarch presided at that

service, attended by pilgrims and religious leaders from several countries, including Greece and Russia. Last November, a Turkish court ordered the Buyukada orphanage to be returned to Ecumenical Patriarchate and the transfer of the property has been completed.

As one who has followed issues surrounding the Ecumenical Patriarchate with interest for many years, I welcome these positive developments. My hope is that they will lead to the return of scores of other church properties seized by the government. In 2005, the Helsinki Commission, which I co-chair, convened a briefing, "The Greek Orthodox Church in Turkey: A Victim of Systematic Expropriation." The Commission has consistently raised the issue of the Theological School for well over a decade and will continue to closely monitor related developments.

The State Department's 2010 Report on International Religious Freedom is a reminder of the challenges faced by Orthodox and other minority religious communities in Turkey. I urge the Turkish Prime Minister to ensure respect for the rights of individuals from these groups to freely profess and practice their religion or beliefs, in keeping with Turkey's obligations as an OSCE participating State.

The 1989 OSCE Vienna Concluding Document affirmed the right of religious communities to provide "training of religious personnel in appropriate institutions." The Theological School of Halki served that function for over a century until its forced closure four decades ago. The time has come to allow the reopening of this unique institution without further delay.

I urge my colleagues to support this resolution.

SENATE RESOLUTION 197—HONORING THE ENTREPRENEURIAL SPIRIT OF SMALL BUSINESS CONCERNS IN THE UNITED STATES DURING NATIONAL SMALL BUSINESS WEEK, WHICH BEGINS ON MAY 15, 2011

Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. NELSON of Nebraska, Mr. KERRY, Ms. AYOTTE, Mrs. SHAHEEN, Mr. ENZI, Mr. CARDIN, and Mr. RISCH) submitted the following resolution; which was considered and agreed to:

S. RES. 197

Whereas the approximately 27,200,000 small business concerns in the United States are the driving force behind the Nation's economy, creating 2 out of every 3 new jobs and generating more than 50 percent of the Nation's non-farm gross domestic product;

Whereas small businesses are the driving force behind the economic recovery of the United States;

Whereas small businesses represent 99.7 percent of employer firms in the United States;

Whereas small business concerns are the Nation's innovators, serving to advance technology and productivity;

Whereas small business concerns represent 97.6 percent of all exporters and produce 32.8 percent of exported goods;

Whereas Congress established the Small Business Administration in 1953 to aid, counsel, assist, and protect the interests of small business concerns in order to preserve free and competitive enterprise, to ensure that a fair proportion of the total Federal Government purchases, contracts, and subcontracts for property and services are placed with small business concerns, to ensure that a fair proportion of the total sales of government property are made to such small business concerns, and to maintain and strengthen the overall economy of the United States;

Whereas every year since 1963, the President has designated a "National Small Business Week" to recognize the contributions of small businesses to the economic well-being of the United States;

Whereas in 2011, National Small Business Week will honor the estimated 27,200,000 small businesses in the United States;

Whereas the Small Business Administration has helped small business concerns by providing access to critical lending opportunities, protecting small business concerns from excessive Federal regulatory enforcement, helping to ensure full and open competition for government contracts, and improving the economic environment in which small business concerns compete;

Whereas for more than 50 years, the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business concern, and has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning May 15, 2011, as "National Small Business Week"; Now, therefore, be it

Resolved, That the Senate—

(1) honors the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, which begins on May 15, 2011;

(2) applauds the efforts and achievements of the owners and employees of small business concerns, whose hard work and commitment to excellence have made such small business concerns a key part of the economic vitality of the United States;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small business concerns; and

(4) recognizes the importance of ensuring that—

(A) guaranteed loans, including microloans and microloan technical assistance, for start-up and growing small business concerns, and venture capital, are made available to all qualified small business concerns;

(B) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as Small Business Development Centers, Women's Business Centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to provide invaluable counseling services to entrepreneurs in the United States;

(C) the Small Business Administration continues to provide timely and efficient disaster assistance so that small businesses in areas struck by natural or manmade disasters can quickly return to business to keep local economies alive in the aftermath of such disasters;

(D) affordable broadband Internet access is available to all people in the United States, particularly people in rural and underserved communities, so that small businesses can use the Internet to make their operations more globally competitive while boosting local economies;