

116TH CONGRESS
2D SESSION

S. 4991

To amend title 11, United States Code, to add a bankruptcy chapter relating to the debt of individuals, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2020

Ms. WARREN (for herself, Mr. DURBIN, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 11, United States Code, to add a bankruptcy chapter relating to the debt of individuals, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consumer Bankruptcy
5 Reform Act of 2020”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

- Sec. 101. Findings and purpose.
- Sec. 102. Chapter 10 individual bankruptcy.
- Sec. 103. Repeal of chapter 13.
- Sec. 104. Other amendments to the Bankruptcy Code.
- Sec. 105. Data collection.
- Sec. 106. Electronic signatures.
- Sec. 107. Judicial education.
- Sec. 108. Conforming amendments to other laws.

TITLE II—CONSUMER FINANCIAL PROTECTION AMENDMENTS

- Sec. 201. Amendments to the Consumer Financial Protection Act of 2010.
- Sec. 202. Amendments to the Truth in Lending Act.
- Sec. 203. Amendments to the Fair Credit Reporting Act.
- Sec. 204. Amendments to the Equal Credit Opportunity Act.
- Sec. 205. Amendments to the Fair Debt Collection Practices Act.
- Sec. 206. Amendments to the Electronic Fund Transfers Act.

TITLE III—BANKRUPTCY RULES

- Sec. 301. Rules Enabling Act amendments.
- Sec. 302. Bankruptcy rules amendments.
- Sec. 303. Sense of Congress.

TITLE IV—FUNDING THE BANKRUPTCY SYSTEM

- Sec. 401. Bankruptcy fees.
- Sec. 402. Trustee compensation.

TITLE V—BANKRUPTCY LIEN FILING SYSTEM

- Sec. 501. Bankruptcy lien filing system.

TITLE VI—MISCELLANEOUS

- Sec. 601. Effective date.
- Sec. 602. Transition.
- Sec. 603. Severability.

1 **TITLE I—CHAPTER 10** 2 **INDIVIDUAL BANKRUPTCY**

3 **SEC. 101. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—Congress finds that—

5 (1) individuals and families are often in finan-
 6 cial distress for reasons outside of their control, such
 7 as job loss, medical bills, or educational debt, and an
 8 effective bankruptcy system not only provides those
 9 individuals and families with a fresh start but also

1 ensures that they can participate fully in the United
2 States economy;

3 (2) the Bankruptcy Code was adopted in 1978,
4 and, since then, consumer lending has grown dra-
5 matically and been transformed by technology and
6 the preemption of State usury and consumer protec-
7 tion laws for certain types of lenders;

8 (3) unnecessary paperwork and overly complex
9 laws increase the cost of bankruptcy and prevent in-
10 dividuals and families in the United States who need
11 help from accessing the bankruptcy system;

12 (4) many consumer debtors cannot afford bank-
13 ruptcy counsel and must instead save up to pay an
14 attorney to file their bankruptcy petitions;

15 (5) the dual-track bankruptcy system produces
16 racially disparate outcomes that disadvantage people
17 of color;

18 (6) student loan debt burdens are creating dis-
19 tortions in the labor and housing market;

20 (7) the nondischargeability of private student
21 loan debt has not resulted in lower financing costs
22 for student loan borrowers;

23 (8) the inability of debtors to restructure home
24 mortgage loans has led to unnecessary foreclosures
25 that have created hardships for individuals and fam-

1 ilies and their communities without reducing costs of
2 mortgage financing;

3 (9) individuals and families often rely on their
4 cars to get to work and to get dependents to school
5 and medical appointments but often cannot retain
6 their cars in bankruptcy without paying substan-
7 tially more than the car is worth;

8 (10) the difficulty of enforcing the discharge in-
9 junction has enabled illegal debt collection activity
10 that undercuts the fresh start policy of bankruptcy;

11 (11) existing law does not provide a sufficient
12 deterrent to predatory creditors that harm individ-
13 uals and families in bankruptcy by violating con-
14 sumer financial laws or failing to comply with bank-
15 ruptcy rules; and

16 (12) well-counseled, affluent debtors can avoid
17 repaying creditors through asset protection planning.

18 (b) PURPOSE.—The purpose of the Act is to establish
19 a bankruptcy system that helps individuals and families
20 in the United States regain financial stability and protects
21 against abusive and predatory behavior by—

22 (1) streamlining the process of filing for bank-
23 ruptcy, simplifying court procedures in bankruptcy,
24 and lowering the cost of bankruptcy for both con-
25 sumers and creditors;

1 (2) creating a single-chapter consumer bank-
2 ruptcy system that allows consumers greater flexi-
3 bility in addressing their debts and prevents dis-
4 parate treatment of similarly situated consumers;

5 (3) offering consumers more and better options
6 to deal with debts, while ensuring the fair treatment
7 of creditors;

8 (4) making it easier for consumers to pay an
9 attorney for counsel or representation in a bank-
10 ruptcy case;

11 (5) simplifying the identification and treatment
12 of cases by expanding the number of routine cases
13 that are handled by the court in which there is no
14 chance of a reasonable payment to creditors and re-
15 ducing paperwork requirements in those routine
16 cases;

17 (6) allowing the modification of mortgages on
18 all residences;

19 (7) allowing the modification of car loans based
20 on the market value of a car;

21 (8) allowing the discharge of student loan debt
22 on equal terms with most other types of debt;

23 (9) reducing racial, gender, and other harmful
24 disparities in the availability, accessibility, costs, and
25 outcomes with respect to the bankruptcy process;

- 1 (10) ensuring the fair treatment of claimants
 2 for domestic support obligations;
 3 (11) reducing abusive creditor behavior; and
 4 (12) closing bankruptcy loopholes that allow the
 5 wealthy to exploit the bankruptcy process.

6 **SEC. 102. CHAPTER 10 INDIVIDUAL BANKRUPTCY.**

- 7 (a) IN GENERAL.—Title 11, United States Code, is
 8 amended by inserting after section 946 the following:

9 **“CHAPTER 10—INDIVIDUAL BANKRUPTCY**

“SUBCHAPTER I—GENERAL PROVISIONS

“Sec.

“1001. Trustee.

“1002. Rights and powers of debtor.

“1003. Debtor engaged in business.

“1004. Possession of property of the estate.

“1005. Conversion or dismissal.

“1006. Treatment of certain contracts and leases.

“1007. Treatment of rental-purchase agreements.

“1008. Obtaining credit.

“1009. Stay of action against codebtor.

“1010. Interpretive principle.

“SUBCHAPTER II—PLANS

“1021. Filing of plans.

“1022. Contents of plans.

“1023. Plan confirmation hearing.

“1024. Confirmation of plans.

“1025. Payments under a repayment plan.

“1026. Payments under a residence plan or property plan.

“1027. Protection of lessors and purchase money lenders.

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“SUBCHAPTER III—DISCHARGE

“1031. Discharge; scope and timing.

“1032. Revocation of discharge or order of confirmation.

“SUBCHAPTER IV—AVOIDANCE ACTIONS

“1041. Treatment of certain liens.

“1042. Limitations on avoidance actions.

“SUBCHAPTER V—LIMITED PROCEEDINGS

“1051. Election of limited proceeding.

“1052. Effect of limited proceeding.

“1053. Dismissal or conversion of limited proceedings.

1 “SUBCHAPTER I—GENERAL PROVISIONS

2 **“§ 1001. Trustee**

3 “(a) APPOINTMENT.—Except as provided by section
4 1052, in a case under this chapter, the United States
5 trustee—

6 “(1) shall appoint 1 disinterested individual to
7 serve as trustee from the panel of private trustees
8 under section 586(a) of title 28 or a standing trust-
9 ee under subsection (b) of that section who meets
10 the requirements of a trustee under section 522 of
11 this title; or

12 “(2) may serve as trustee.

13 “(b) DUTIES.—The trustee shall—

14 “(1) perform the duties required under para-
15 graphs (2) through (5) and (7) of section 704;

16 “(2) appear and be heard at any hearing that
17 concerns—

18 “(A) the value of property subject to a
19 lien; or

20 “(B) confirmation of a repayment plan, a
21 residence plan, or a property plan;

22 “(3) advise, other than on legal matters, and
23 assist the debtor in the formulation of, and perform-
24 ance under, any plan;

1 “(4) ensure that the debtor commences making
2 timely payments under section 1025;

3 “(5) in the case of a debtor against whom there
4 is a claim for a domestic support obligation, provide
5 the notices required under subsection (d); and

6 “(6) in the case of a debtor engaged in business
7 as described in section 1003(a), perform the duties
8 required under paragraphs (3) and (4) of section
9 1106(a).

10 “(c) PROHIBITIONS.—The trustee may not—

11 “(1) serve as an advocate for debtors or credi-
12 tors;

13 “(2) advise debtors or creditors on legal mat-
14 ters; or

15 “(3) raise an objection to a plan filed under
16 section 1021 solely on the basis of the treatment of
17 a secured claim under the plan.

18 “(d) DOMESTIC SUPPORT CLAIM NOTICE.—

19 “(1) DEFINITION OF STATE OR LOCAL CHILD
20 SUPPORT ENFORCEMENT AGENCY.—In this sub-
21 section, the term ‘State or local child support en-
22 forcement agency’ means any agency of a State or
23 political subdivision thereof operating pursuant to a
24 plan described in section 454 of the Social Security
25 Act (42 U.S.C. 654) that has been approved by the

1 Secretary of Health and Human Services under part
2 D of title IV of such Act (42 U.S.C. 651 et seq.).

3 “(2) ADDITIONAL DUTIES.—In the case of a
4 debtor against whom there is a claim for a domestic
5 support obligation, the trustee shall—

6 “(A) provide written notice of the claim to
7 the holder of the domestic support obligation
8 that includes—

9 “(i) a notice of the right of the holder
10 to use the services of a State or local child
11 support enforcement agency for assistance
12 in collecting child support during and after
13 the case; and

14 “(ii) the address and telephone num-
15 ber of the State or local child support en-
16 forcement agency of the State or political
17 subdivision thereof in which the holder re-
18 sides;

19 “(B) provide written notice of the claim to
20 the State or local child support enforcement
21 agency of the State or political subdivision
22 thereof in which the holder resides that includes
23 the name, address, and telephone number of the
24 holder of the domestic support obligation; and

1 “(C) on the date on which the debtor is
2 granted a discharge under section 1031, provide
3 written notice to the holder of the domestic sup-
4 port obligation and the State or local child sup-
5 port enforcement agency of the State or polit-
6 ical subdivision thereof in which the holder re-
7 sides of—

8 “(i) the granting of the discharge;

9 “(ii) the most recent known address
10 of the debtor;

11 “(iii) the most recent known name
12 and address of the most recent known em-
13 ployer of the debtor; and

14 “(iv) the name of each creditor that
15 holds a claim that is not discharged under
16 paragraph (2) or (4) of section 523(a).

17 “(3) ADDRESS REQUEST.—

18 “(A) IN GENERAL.—The holder of a claim
19 for domestic support against the debtor or a
20 State or local child support enforcement agency
21 of the State or political subdivision thereof in
22 which the holder resides may request from a
23 creditor described in paragraph (2)(C)(iv) the
24 most recent known address of the debtor.

1 “(B) NO LIABILITY.—Notwithstanding any
2 other provision of law, a creditor that makes a
3 disclosure in connection with a request made
4 under subparagraph (A) shall not be liable for
5 making the disclosure.

6 **“§ 1002. Rights and powers of debtor**

7 “(a) IN GENERAL.—Subject to any limitations of a
8 trustee under this chapter, the debtor shall have, exclusive
9 of the trustee, the rights and powers of a trustee under—

10 “(1) subsections (b), (c), (d), (f), and (l) of sec-
11 tion 363; and

12 “(2) section 364.

13 “(b) AVOIDANCE OF TRANSFERS.—The debtor may
14 avoid a transfer of property of the debtor or recover a
15 setoff if—

16 “(1)(A) the transfer is avoidable by the trustee
17 under section 544, 545, 547, 548, 549, or 1041 or
18 recoverable by the trustee under section 553; and

19 “(B) the trustee does not attempt to avoid the
20 transfer; or

21 “(2) section 1042 prohibits the trustee from
22 avoiding the transfer.

23 **“§ 1003. Debtor engaged in business**

24 “(a) IN GENERAL.—For the purposes of this chapter,
25 a debtor is engaged in business if the debtor is—

1 “(1) self-employed; and

2 “(2) required to withhold taxes under section
3 3402 of the Internal Revenue Code of 1986.

4 “(b) RIGHTS.—Unless the court orders otherwise, a
5 debtor engaged in business may operate the business of
6 the debtor and, subject to any limitations on a trustee
7 under sections 363(c) and 364 and to such limitations or
8 conditions as the court prescribes, shall have, exclusive of
9 the trustee, the rights and powers of the trustee under
10 such sections.

11 “(c) DUTIES.—A debtor engaged in business—

12 “(1) shall perform the duties of the trustee re-
13 quired under section 704(7); and

14 “(2) is not subject to the provisions of section
15 308.

16 **“§ 1004. Possession of property of the estate**

17 “The debtor shall remain in possession of all property
18 of the estate, unless—

19 “(1) a confirmed plan or an order confirming a
20 plan provides otherwise; or

21 “(2) the court, for cause, orders otherwise.

22 **“§ 1005. Conversion or dismissal**

23 “(a) CONVERSION ON REQUEST OF DEBTOR.—At
24 any time, the debtor may convert a case under this chapter
25 to a case under—

1 “(1) chapter 11, if the debtor is eligible under
2 section 109(e); or

3 “(2) chapter 12, if the debtor is eligible under
4 section 109(f).

5 “(b) CONVERSION OR DISMISSAL ON REQUEST OF
6 OTHER PARTIES.—After notice and a hearing, the court,
7 on its own motion, or on a motion by a creditor, the
8 United States trustee, the trustee, or any other party in
9 interest, may, for cause, dismiss a case under this chapter
10 or, with the consent of the debtor, convert a case under
11 this chapter to a case under chapter 11 or 12, including—

12 “(1) unreasonable delay by the debtor that is
13 prejudicial to creditors;

14 “(2) nonpayment of any fees or costs required
15 under section 1930 of title 28;

16 “(3) failure to timely file a plan under section
17 1021, unless the debtor is eligible for a discharge
18 without a plan under section 1031;

19 “(4) failure to commence making timely pay-
20 ments required under section 1025 if the debtor files
21 a repayment plan;

22 “(5) denial of confirmation of a plan under sec-
23 tion 1024 and denial of a request for additional time
24 for filing another plan;

1 “(6) except as provided by section 1052(8), and
2 only on request of the United States trustee, failure
3 of the debtor in a voluntary case to file, not later
4 than 14 days after the date of the commencement of
5 the case, or additional time as the court may allow,
6 the information required under section 521(a)(1);
7 and

8 “(7) failure to file a repayment plan, if re-
9 quired, by the deadline prescribed under section
10 1021(e).

11 “(c) DISMISSAL.—

12 “(1) DISMISSAL FOR MANIFESTLY IMPROPER
13 USE OF THE BANKRUPTCY SYSTEM.—

14 “(A) IN GENERAL.—Notwithstanding sub-
15 section (b), after notice and a hearing, the
16 court, on its own motion or on a motion by the
17 United States trustee or the trustee, may dis-
18 miss a case on grounds that the granting of re-
19 lief would be a manifestly improper use of the
20 bankruptcy system.

21 “(B) MANIFESTLY IMPROPER USE OF THE
22 BANKRUPTCY SYSTEM.—For the purpose of
23 subparagraph (A), the failure of a debtor to pay
24 an amount that is greater than the minimum
25 payment obligation under a repayment plan

1 alone does not constitute a manifestly improper
2 use of the bankruptcy system.

3 “(2) DISMISSAL AT REQUEST OF DEBTOR.—

4 “(A) IN GENERAL.—At the request of the
5 debtor, at any time, the court shall dismiss a
6 case under this chapter if the case has not been
7 converted under subsection (a).

8 “(B) WAIVER UNENFORCEABLE.—A waiv-
9 er of the right to dismiss a case under this sec-
10 tion is unenforceable.

11 **“§ 1006. Treatment of certain contracts and leases**

12 “Notwithstanding a provision in any contract or un-
13 expired lease, or in applicable law, with respect to any con-
14 tract or unexpired lease of the debtor, the contract or lease
15 and any right or obligation under the contract or lease
16 may not be terminated or modified, and neither the debtor
17 nor any individual liable on such contract or unexpired
18 lease with the debtor may be declared in default under
19 the contract or lease at any time during or after the case,
20 solely because of a provision in the contract or lease that
21 is conditioned on—

22 “(1) the insolvency or financial condition of the
23 debtor at any time before the closing of the case;

24 “(2) the commencement of a case under this
25 title;

1 “(3) the appointment of, or taking possession
2 by—

3 “(A) a trustee in a case under this title; or

4 “(B) a custodian before the commence-
5 ment of a case under this title; or

6 “(4) the filing of a plan or the exercise of any
7 other right under this title.

8 **“§ 1007. Treatment of rental-purchase agreements**

9 “(a) DEFINITION OF RENTAL-PURCHASE AGREE-
10 MENT.—In this section, the term ‘rental-purchase agree-
11 ment’ means an agreement, irrespective of form—

12 “(1) for the use of personal property, other
13 than a vehicle, by the debtor for personal, family, or
14 household purposes;

15 “(2) that is renewable with each payment; and

16 “(3) that permits, but does not obligate, the
17 debtor to become the owner of the property that is
18 the subject of the agreement.

19 “(b) NO INTEREST IN PROPERTY.—For the purpose
20 of this chapter and notwithstanding applicable nonbank-
21 ruptcy law, the lessor on a rental-purchase agreement does
22 not have an interest in the property covered by the rental-
23 purchase agreement.

24 “(c) ELECTION TO RETAIN PROPERTY.—Notwith-
25 standing section 365 and subject to subsection (d), in a

1 case under this chapter, the debtor may elect to retain
2 the property covered by a rental-purchase agreement.

3 “(d) CLAIMS OF LESSOR-SELLER.—Notwithstanding
4 section 365 and subject to section 502, if the debtor elects
5 to retain the property covered by a rental-purchase agree-
6 ment, the lessor-seller shall have a claim for the sum of—

7 “(1) accrued and unpaid rent under the rental-
8 purchase agreement; and

9 “(2) if the debtor has elected to become owner
10 of the property under the rental-purchase agree-
11 ment, future rent and other payments due under the
12 rental-purchase agreement.

13 “(e) TERMINATION.—Nothing in this section shall be
14 construed to prohibit the debtor from terminating a rent-
15 al-purchase agreement.

16 “(f) POST-DISCHARGE EXERCISE OF LESSOR-SELL-
17 ER’S RIGHTS PROHIBITED.—Any attempt to exercise the
18 rights of a lessor-seller under a rental-purchase agreement
19 or applicable nonbankruptcy law after the issuance of a
20 discharge under section 1028 shall be deemed to be a vio-
21 lation of section 524(a).

22 **“§ 1008. Obtaining credit**

23 “(a) DEFINITION OF CREDIT.—In this section, the
24 term ‘credit’ has the meaning given the term in section
25 103 of the Truth in Lending Act (15 U.S.C. 1602).

1 “(b) OBTAINING CREDIT.—

2 “(1) IN GENERAL.—The debtor in a case under
3 this chapter may not obtain credit outside the ordi-
4 nary course of the affairs of the debtor without prior
5 authorization by the court.

6 “(2) COURT APPROVAL.—After notice and a
7 hearing, the court may authorize the debtor to ob-
8 tain credit under paragraph (1) or incur debt only
9 if it is in the best interests of the debtor.

10 “(3) VOIDING OF OTHER POST-PETITION CRED-
11 IT INCURRED.—Any credit obtained or debt incurred
12 by a debtor not in accordance with this subsection
13 is void.

14 “(4) CREDIT RATE LIMIT.—In no event may
15 the court authorize the debtor to obtain credit with
16 an annual percentage rate that exceeds the annual
17 percentage rate described in section 987(b) of title
18 10.

19 “(5) COMPLIANCE WITH NONBANKRUPTCY
20 LAW.—Credit obtained by a debtor pursuant to this
21 section shall comply with applicable nonbankruptcy
22 law.

23 “(c) APPLICATION OF SECTION.—This section shall
24 apply to credit obtained by a debtor until the date on
25 which the case is closed under section 350.

1 **“§ 1009. Stay of action against codebtor**

2 “(a) COLLECTION OF DEBT.—Except as provided in
3 subsections (b) and (c) of this section, after the entry of
4 the order for relief under this chapter, a creditor may not
5 act or commence or continue any civil action to collect all
6 or any part of a consumer debt of the debtor from any
7 individual that is liable on the consumer debt with the
8 debtor or that secured the consumer debt, unless—

9 “(1) the individual became liable on, or secured,
10 the consumer debt in the ordinary course of business
11 of the individual; or

12 “(2) the case is closed, dismissed, or converted
13 to a case under chapter 11 or 12 of this title.

14 “(b) NEGOTIABLE INSTRUMENTS.—A creditor may
15 present a negotiable instrument, and may give notice of
16 dishonor of such an instrument.

17 “(c) RELIEF FROM STAY.—On request of a party in
18 interest and after notice and a hearing, the court shall
19 grant relief from the stay provided under subsection (a)
20 with respect to a creditor, to the extent that—

21 “(1) as between the debtor and the individual
22 protected under subsection (a), the individual re-
23 ceived consideration for the claim held by the cred-
24 itor;

25 “(2) the plan filed by the debtor does not pro-
26 pose to pay the claim; or

1 “(3) the interest of the creditor would be irrep-
2 arably harmed by a continuation of the stay.

3 “(d) TERMINATION OF STAY.—On the date that is
4 20 days after the date on which a party in interest files
5 a request under subsection (c) for relief from the stay pro-
6 vided under subsection (a), the stay shall be terminated
7 with respect to the party in interest, unless the debtor or
8 any individual that is liable on the consumer debt with
9 the debtor files and serves upon the party in interest a
10 written objection to the proposed relief from the stay.

11 **“§ 1010. Interpretive principle**

12 “In cases under this chapter, the provisions of this
13 title shall be interpreted liberally in favor of relief for con-
14 sumer debtors.

15 “SUBCHAPTER II—PLANS

16 **“§ 1021. Filing of plans**

17 “(a) IN GENERAL.—Except as provided in subsection
18 (c), the debtor may file—

19 “(1) a repayment plan that solely provides for
20 the treatment of unsecured claims;

21 “(2) a residence plan that solely provides for
22 the treatment of claims secured by the debtor’s prin-
23 cipal residence; or

1 “(3) a property plan that solely provides for the
2 treatment of claims secured by property that is not
3 the debtor’s principal residence.

4 “(b) MULTIPLE PLANS.—

5 “(1) IN GENERAL.—

6 “(A) MORE THAN 1 PLAN.—Subject to
7 subparagraph (B), the debtor may file 1 or
8 more plans.

9 “(B) PROHIBITION.—If the court confirms
10 a repayment plan of a debtor, the debtor may
11 not file an additional repayment plan in a case
12 under this chapter.

13 “(2) SEPARATE TREATMENT.—Except as pro-
14 vided in section 1023(a), each plan shall be treated
15 separately for purposes of confirmation, discharge,
16 and revocation of an order of confirmation or dis-
17 charge.

18 “(c) INVOLUNTARY CASES.—In a case commenced
19 under section 303—

20 “(1) a petitioning creditor may file only a re-
21 payment plan under which the minimum payment
22 obligation of the debtor shall be calculated to ex-
23 clude any amounts required by clause (ii) or (iii) of
24 section 101(54)(B);

1 “(2) the debtor may file a repayment plan,
2 which shall supersede any repayment plan filed
3 under paragraph (1); and

4 “(3) if more than 1 petitioning creditor files a
5 repayment plan under paragraph (1) and the debtor
6 does not file a repayment plan under paragraph (2),
7 the court shall confirm the repayment plan that is
8 in the best interest of creditors.

9 “(d) DISCHARGE WITHOUT A PLAN.—A debtor with
10 a minimum payment obligation of \$0 shall receive a dis-
11 charge under section 1031 without filing a plan if the
12 debtor is otherwise eligible to receive a discharge under
13 this chapter.

14 “(e) FILING DEADLINE.—The debtor shall promptly
15 file a plan within such period of time as permitted in a
16 rule prescribed by the Judicial Conference of the United
17 States, except that the court may extend such time period
18 for cause.

19 **“§ 1022. Contents of plans**

20 “(a) REPAYMENT PLANS.—

21 “(1) IN GENERAL.—A repayment plan—

22 “(A) shall provide that—

23 “(i) the debtor shall satisfy the min-
24 imum payment obligation by—

1 “(I) making deferred cash pay-
2 ments; or

3 “(II) upon request of the trustee,
4 and subject to paragraph (2), ten-
5 dering to the trustee all property of
6 the estate that is not exempt under
7 section 522 not later than 30 days
8 after the date on which the court con-
9 firms the plan, unless the court orders
10 a later date;

11 “(ii) any payments under the repay-
12 ment plan occur during a period not to ex-
13 ceed 36 months from the date on which
14 the first payment is due under a repay-
15 ment plan under section 1025(b)(1); and

16 “(iii) any payment under a repayment
17 plan, other than the final payment, shall
18 be in an amount that is not less than the
19 payments required for 36 equal monthly
20 installments, unless the court orders other-
21 wise for cause, which may include the ir-
22 regular or seasonal nature of the debtor’s
23 income; and

24 “(B) may—

1 “(i) pursuant to section 365, provide
2 for the assumption, rejection, or assign-
3 ment of any executory contract or unex-
4 pired lease of the debtor that has not pre-
5 viously been assumed or rejected under
6 that section;

7 “(ii) provide for the payment in full,
8 in deferred cash payments, over the dura-
9 tion of the repayment plan, of any claim
10 based on a debt of a kind described in sec-
11 tion 523 if the plan also provides for the
12 payment in full, in deferred cash pay-
13 ments, of all claims entitled to priority
14 under section 507, other than the claim of
15 a holder that is based on a debt described
16 in section 507 that agrees to a different
17 treatment of that claim;

18 “(iii) provide for the exercise of any
19 other power of the debtor or the trustee
20 under this title;

21 “(iv) provide for an order garnishing
22 the earnings of the debtor or ordering the
23 authorization of electronic fund transfers
24 from a deposit account of the debtor dur-

1 ing the duration of the repayment plan;
2 and

3 “(v) include any other appropriate
4 provision not inconsistent with this title.

5 “(2) REQUEST FOR TENDER BY TRUSTEE.—

6 “(A) IN GENERAL.—The trustee shall re-
7 quest the tender of property of the estate that
8 is not exempt under section 522 only if the liq-
9 uidation of such property would be reasonably
10 likely to produce a meaningful distribution to
11 creditors.

12 “(B) INSTALLMENT REDEMPTION AS AN
13 ALTERNATIVE TO TENDER.—In lieu of ten-
14 dering nonexempt property of the estate under
15 paragraph (1)(A)(i)(II), the debtor may elect to
16 pay to the trustee under the repayment plan an
17 amount equal to the value of the interest of the
18 debtor in such property that is in excess of the
19 sum of—

20 “(i) any allowed secured claims that
21 are secured by that property; and

22 “(ii) any exemption applicable under
23 section 522(b).

24 “(b) RESIDENCE PLANS.—A residence plan may—

1 “(1) modify or leave unaffected the rights of a
2 holder of a claim secured by the debtor’s principal
3 residence;

4 “(2) provide for the waiving or curing within a
5 reasonable time of any default on any claim secured
6 by the debtor’s principal residence in accordance
7 with subsection (d);

8 “(3) provide for payment of any allowed se-
9 cured claim secured by the debtor’s principal resi-
10 dence;

11 “(4) authorize the debtor to sell any property
12 that is the debtor’s principal residence free and clear
13 of any liens not earlier than 60 days and not later
14 than 180 days after the date of confirmation if the
15 plan provides that—

16 “(A) the debtor shall tender the property
17 that is the debtor’s principal residence to the
18 holder of the first-priority lien, subject to a lien
19 secured by any allowed secured claim of a jun-
20 ior lienholder;

21 “(B) upon acceptance of the tender de-
22 scribed in subparagraph (A), the debtor shall
23 transfer the debtor’s principal residence to the
24 holder of the first-priority lien not later than 14
25 days after acceptance of the tender; and

1 “(C) if there is not a timely acceptance of
2 the tender of the principal residence—

3 “(i) a sale free and clear of liens of
4 the debtor’s principal residence shall be
5 conducted in a commercially reasonable
6 manner; and

7 “(ii) after deducting the costs of the
8 sale, any liens against the debtor’s prin-
9 cipal residence shall attach to the proceeds
10 of the sale;

11 “(5) provide for an order garnishing the earn-
12 ings of the debtor or authorizing electronic fund
13 transfers from a deposit account of the debtor dur-
14 ing the duration of the residence plan, but only to
15 the extent necessary to cure any default on a claim
16 secured by the debtor’s principal residence in accord-
17 ance with subsection (d); and

18 “(6) include any other appropriate provision not
19 inconsistent with this title.

20 “(c) PROPERTY PLANS.—A property plan may—

21 “(1) modify or leave unaffected the rights of
22 holders of claims secured by the property, other than
23 property that is the debtor’s principal residence;

24 “(2) provide for the curing or waiving within a
25 reasonable time of any default on any claim secured

1 by the property of the debtor that is not the debtor's
2 principal residence in accordance with subsection
3 (d)(2);

4 “(3) provide for payment of any allowed se-
5 cured claim secured by the property of the debtor
6 that is not the debtor's principal residence;

7 “(4) subject to section 522(e), treat as the
8 holder of a secured claim—

9 “(A) the seller or assignee of an install-
10 ment sales contract for personal property or the
11 equivalent of such a contract;

12 “(B) the lessor of a lease of personal prop-
13 erty, the term of which extends beyond the re-
14 maining economic life of the property; or

15 “(C) a party to an agreement, irrespective
16 of form, that is a security interest in personal
17 property under applicable nonbankruptcy law;

18 “(5) provide for an order garnishing the earn-
19 ings of the debtor or ordering the authorization of
20 electronic fund transfers from a deposit account of
21 the debtor during the duration of the property plan;
22 and

23 “(6) include any other appropriate provision not
24 inconsistent with this title.

25 “(d) CURE OF DEFAULT.—

1 “(1) PRINCIPAL RESIDENCE.—Notwithstanding
2 any applicable nonbankruptcy law, a default with re-
3 spect to, or that gives rise to, a lien on the property
4 that is the debtor’s principal residence may be cured
5 by a residence plan under subsection (a)(2)(B) until
6 the debtor ceases to have rights, including a right of
7 redemption, in the property.

8 “(2) AMOUNT TO CURE.—

9 “(A) IN GENERAL.—Notwithstanding sec-
10 tion 506(b), if a repayment plan, a residence
11 plan, or a property plan provides for the curing
12 of a default, the amount necessary to cure the
13 default shall be determined in accordance with
14 the underlying agreement and applicable non-
15 bankruptcy law.

16 “(B) PROHIBITION.—The cure of a default
17 under subparagraph (A) may not require—

18 “(i) interest on arrearages; or

19 “(ii) the payment of any penalty rate,
20 late fee, or payment required under a pen-
21 alty provision or a similar provision.

22 **“§ 1023. Plan confirmation hearing**

23 “(a) IN GENERAL.—If the trustee, the United States
24 trustee, or a creditor objects to confirmation of a plan filed
25 under section 1021, the court shall hold a hearing on con-

1 firmation of the plan within such period of time as per-
2 mitted in a rule prescribed by the Judicial Conference of
3 the United States, except that the court may extend such
4 time period for cause.

5 “(b) CONFIRMATION WITHOUT HEARING.—If no ob-
6 jection is raised, the court shall, upon notice, promptly
7 confirm a plan that complies with section 1024(a) without
8 a hearing.

9 “(c) MULTIPLE PLANS.—If the debtor files more
10 than 1 plan under section 1021, the court shall hold a
11 single hearing on confirmation on all of the plans, un-
12 less—

13 “(1) the court orders otherwise for cause; or

14 “(2) no hearing is required under subsection

15 (b).

16 **“§ 1024. Confirmation of plans**

17 “(a) PLAN REQUIREMENTS.—Subject to subsections
18 (b) through (d), the court shall confirm a plan under this
19 section if all of the following requirements are met:

20 “(1) The plan complies with the applicable pro-
21 visions of this title, other than section 1022(a)(1).

22 “(2) Any fee, charge, or amount that is re-
23 quired to be paid before confirmation under chapter
24 123 of title 28 or the plan has been paid.

25 “(3) The plan has not been proposed—

1 “(A) in bad faith, which may not be dem-
2 onstrated solely by the amount of payments
3 proposed by the debtor under a repayment plan;
4 or

5 “(B) by any means forbidden by law.

6 “(4) The debtor is likely to be able to make all
7 payments under the plan and to comply with the
8 plan.

9 “(5) In the case of a debtor that is required by
10 a judicial or administrative order or by a statute to
11 pay a domestic support obligation, the debtor has
12 paid all amounts required by such domestic support
13 obligation that first became payable after the date of
14 the filing of the petition.

15 “(6) Any compensation paid under the plan to
16 the attorney of the debtor is reasonable and satisfies
17 the requirements of section 329(c).

18 “(b) OBJECTION TO REPAYMENT PLAN.—If the
19 trustee or the holder of an allowed unsecured claim objects
20 to a repayment plan that complies with subsection (a), the
21 court shall confirm the repayment plan only if—

22 “(1) the plan satisfies the requirements of sec-
23 tion 1022(a)(1); or

24 “(2) the court finds that, because of cir-
25 cumstances that the debtor cannot reasonably avoid,

1 the debtor is justly excused from satisfying all or
2 part of the requirements of section 1022(a)(1).

3 “(c) OBJECTION TO RESIDENCE PLAN.—If the hold-
4 er of an allowed secured claim secured by the debtor’s
5 principal residence objects to the confirmation of a resi-
6 dence plan, the court shall confirm the residence plan only
7 if, for any such allowed secured claim of which the holder
8 has objected to the confirmation, the residence plan pro-
9 vides that—

10 “(1) the holder retains the lien securing the
11 claim;

12 “(2) the value, as of the effective date of the
13 residence plan, of the payments to be distributed
14 under the residence plan on account of the claim is
15 not less than the allowed amount of the secured
16 claim;

17 “(3) payments on all claims under the residence
18 plan are in equal monthly amounts, other than pay-
19 ments to cure a default under section
20 1022(a)(2)(B);

21 “(4) except as provided in paragraph (5), de-
22 fault under the residence plan constitutes default
23 under any security agreement that creates a security
24 interest in the debtor’s principal residence;

1 “(5) the debtor will be in default for a late pay-
2 ment under the plan and any security agreement
3 that creates a security interest in the debtor’s prin-
4 cipal residence only if the debtor is more than 120-
5 days delinquent on any payment under the residence
6 plan;

7 “(6) the holders of any judicial lien or statutory
8 lien created before the order for relief cannot exer-
9 cise any remedies under applicable nonbankruptcy
10 law, unless the debtor is 120-days delinquent on any
11 payment under the residence plan;

12 “(7) the last payment on account of the secured
13 claim is due on a date that is not later than the
14 later of—

15 “(A) 15 years after the date of confirma-
16 tion of the residence plan; or

17 “(B) 5 years after the original maturity
18 date of the loan relating to the claim; and

19 “(8) the debt secured by the debtor’s principal
20 residence that is dealt with by the residence plan has
21 not been previously provided for by a residence plan
22 that was—

23 “(A) confirmed on a date that is not more
24 than 6 years before the date of the filing of the
25 petition; and

1 “(B) completed.

2 “(d) OBJECTION TO PROPERTY PLAN.—If the holder
3 of an allowed secured claim that is secured by property
4 that is not the debtor’s principal residence objects to the
5 confirmation of a property plan, the court shall confirm
6 the property plan only if—

7 “(1) the property plan provides that—

8 “(A) the holder of the claim retains the
9 lien securing the allowed secured claim;

10 “(B) the value, as of the effective date of
11 the property plan, of the property to be distrib-
12 uted under the property plan on account of the
13 claim is not less than the amount of the allowed
14 secured claim, unless—

15 “(i) the property securing the claim is
16 a motor vehicle that was acquired by the
17 debtor within the 90-day period imme-
18 diately preceding the date of the filing of
19 the petition; and

20 “(ii) the lien securing the claim is a
21 purchase-money security interest;

22 “(C) the value, as of the effective date of
23 the property plan, of property to be distributed
24 on account of a claim described in clauses (i)
25 through (iii) of subparagraph (B) is not less

1 than the allowed amount of the claim, as cal-
2 culated under section 502;

3 “(D) payments on all claims under the
4 property plan are in equal monthly amounts;

5 “(E) except as provided in subparagraph
6 (F), default under the property plan constitutes
7 default under any security agreement that cre-
8 ates a security interest in the property subject
9 to the property plan;

10 “(F) the debtor is in default for a late pay-
11 ment under the plan and any security agree-
12 ment that creates a security interest in the
13 property subject to the property plan only if the
14 debtor is not less than 90 days delinquent on
15 payment to the holder of the security interest
16 under the property plan;

17 “(G) the property plan provides that the
18 holder of a judicial lien or statutory lien created
19 before the date of the order for relief cannot ex-
20 ercise any remedies relating to the judicial lien
21 or statutory lien under applicable nonbank-
22 ruptcy law, unless the debtor is not less than 90
23 days delinquent on any payment to the
24 lienholder under the property plan;

1 “(H) the last payment due under the prop-
2 erty plan is due on a date that is not later than
3 the later of—

4 “(i) 5 years after the date of con-
5 firmation of the property plan; or

6 “(ii) the original maturity date of
7 loan; and

8 “(I) the debt secured by the property that
9 is dealt with by the property plan has not been
10 previously provided for by a property plan that
11 was—

12 “(i) confirmed on a date that is not
13 more than 6 years before the date of the
14 filing of the petition; and

15 “(ii) completed;

16 “(2) if the property securing the claim of the
17 objecting holder is a motor vehicle—

18 “(A) the debtor has provided the holder of
19 any security interest in the motor vehicle with
20 reasonable evidence of the maintenance of any
21 required insurance coverage on the motor vehi-
22 cle securing the claim sufficient to protect the
23 interest of the holder in the motor vehicle; and

24 “(B) the motor vehicle is—

1 “(i) used regularly as a means of
2 transportation for the debtor or a depend-
3 ent of the debtor; or

4 “(ii) used by the debtor or a depend-
5 ent of the debtor in business; and

6 “(3) if the property securing the claim of the
7 objecting holder is not a motor vehicle—

8 “(A) the property is reasonably necessary
9 for the support or maintenance of the debtor or
10 a dependent of the debtor; or

11 “(B) the property is reasonably necessary
12 for the continuation, preservation, and oper-
13 ation of a business owned or operated by the
14 debtor or a dependent of the debtor.

15 “(e) IMPAIRMENT.—

16 “(1) IN GENERAL.—The holder of an allowed
17 secured claim that is not impaired under a plan may
18 not object to a residence plan under subsection (c)
19 or a property plan under subsection (d).

20 “(2) DETERMINATION.—For the purpose of
21 this subsection, impairment shall be determined
22 under section 1124.

23 “(f) DENIAL OF MOTION.—

1 “(1) IN GENERAL.—A denial of a motion to
2 confirm a plan shall constitute a final, appealable
3 order.

4 “(2) PLAN MODIFICATION.—Nothing in this
5 section shall be construed to prevent a debtor from
6 proposing to modify a plan that has been denied
7 confirmation.

8 “(g) MULTIPLE PLANS.—If the debtor has filed mul-
9 tiple plans, any party in interest may request that the con-
10 firmation of any plan be stayed until the date on which
11 the court confirms or denies any other plan.

12 “(h) INTEREST RATE.—The rate of interest that
13 shall be used to calculate the value of property distributed
14 under a plan, as of the effective date of the plan, shall
15 be—

16 “(1) for the purpose of subsection (c)(2)—

17 “(A) in the case of a first priority lien, the
18 current average prime offer rate (as defined in
19 section 1026.35(a)(2) of title 12, Code of Fed-
20 eral Regulations) for a loan of the most similar
21 duration and rate type; and

22 “(B) in the case of any other lien, a rate
23 that is 300 basis points greater than the cur-
24 rent average prime offer rate (as defined in sec-
25 tion 1026.35(a)(2) of title 12, Code of Federal

1 Regulations) for a loan of the most similar du-
 2 ration and rate type; and

3 “(2) for the purpose of subsection (d)(2), the
 4 current average prime offer rate for motor vehicle fi-
 5 nancing of the most similar duration and rate type,
 6 as determined by the Bureau of Consumer Financial
 7 Protection under section 201(e) of the Consumer
 8 Bankruptcy Reform Act of 2020.

9 **“§ 1025. Payments under a repayment plan**

10 “(a) DUTIES OF TRUSTEE.—The trustee shall—

11 “(1) collect and be accountable for any future
 12 income of the debtor that is designated for a pay-
 13 ment to a creditor under a repayment plan;

14 “(2) accept and be accountable for any property
 15 of the estate tendered by the debtor pursuant to a
 16 repayment plan under section 1022(a)(1)(A)(i)(II);
 17 and

18 “(3) reduce to money and be accountable for
 19 any property of the estate tendered by the debtor
 20 under the repayment plan as expeditiously as is com-
 21 patible with the best interests of the parties in inter-
 22 est.

23 “(b) PAYMENTS.—

24 “(1) IN GENERAL.—Except as provided by sec-
 25 tion 1027 and unless the court orders otherwise, not

1 later than 30 days after the date of the order for re-
2 lief under this chapter, the debtor shall—

3 “(A) commence making payments in the
4 amount proposed to be made under a repay-
5 ment plan; and

6 “(B) tender to the trustee any relevant
7 property of the estate requested by the trustee
8 under section 1022(a)(1)(A)(i)(II), unless the
9 debtor has elected under section 1022(a)(2)(B)
10 to pay the trustee for the value of such prop-
11 erty under a repayment plan.

12 “(2) ACTION BY TRUSTEE.—

13 “(A) RETENTION OF PAYMENTS PENDING
14 PLAN CONFIRMATION.—The trustee shall retain
15 a payment made under paragraph (1) until the
16 date on which the repayment plan is confirmed
17 or denied under section 1024.

18 “(B) DISTRIBUTION OF PAYMENTS.—If a
19 repayment plan is confirmed under section
20 1024, the trustee shall distribute any payments
21 retained under subparagraph (A) in accordance
22 with the repayment plan as soon as is prac-
23 ticable.

24 “(C) RETURN OF PAYMENTS.—The trust-
25 ee, after deducting the sum of each allowed ad-

1 ministrative expense under section 503(b), shall
2 return to the debtor any payments retained
3 under paragraph (1) if the case is dismissed or
4 converted.

5 “(3) MODIFICATION.—Subject to section 363,
6 pending confirmation of a repayment plan, the
7 court, after notice and a hearing, may for cause
8 modify, increase, or reduce the payments required
9 under this subsection.

10 “(c) PAYMENTS TO CREDITORS.—

11 “(1) IN GENERAL.—Except as otherwise pro-
12 vided in the repayment plan or in the order con-
13 firming the repayment plan, after confirmation of
14 the plan, the trustee shall make payments to credi-
15 tors under the repayment plan.

16 “(2) PROHIBITION.—Except as provided in sub-
17 section (d), the trustee may not make a payment de-
18 scribed in section 1022(a)(1)(B)(ii) under a repay-
19 ment plan until the date on which the trustee makes
20 every payment in accordance with any entitlement of
21 a creditor, including a creditor provided for under
22 section 1022(a)(1)(B)(ii), to payment under the
23 minimum payment obligation.

24 “(d) PRIORITY OF PAYMENTS.—

1 “(1) IN GENERAL.—Subject to paragraphs (2)
2 and (3), all payments made by the trustee under this
3 section shall be disbursed according to the order of
4 priority in section 726.

5 “(2) ADMINISTRATIVE EXPENSES AND FEES.—
6 Before or at the time of each payment to a creditor
7 under a repayment plan, the trustee shall pay any
8 unpaid claim of a kind specified in section
9 507(a)(2).

10 “(3) EXCEPTIONS.—In disbursing payments
11 under this section, the trustee shall, at the time of
12 each disbursement, pay—

13 “(A) any unpaid claim of the kind de-
14 scribed in section 507(a)(2); and

15 “(B) if a standing trustee appointed under
16 section 586(b) of title 28 is serving in the case,
17 the percentage fee fixed for the standing trustee
18 under section 586(e) of title 28.

19 “(4) PROPERTY RECOVERED IN AVOIDANCE AC-
20 TIONS.—Subject to any exemption allowed under
21 section 522, the trustee shall disburse any property
22 the trustee recovers under section 550 in accordance
23 with this subsection.

24 “(e) ENFORCEMENT OF OBLIGATIONS OF DEBTOR.—

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 the obligations of a debtor under a repayment plan
3 may be enforced solely by the trustee.

4 “(2) EXCEPTION.—The holder of a claim pro-
5 vided for under section 1022(a)(1)(B)(ii) may en-
6 force the debt that is the basis for the claim in ac-
7 cordance with section 1028(b).

8 “(3) 90-DAY DELINQUENCY REQUIREMENT.—
9 The trustee may not commence any action to enforce
10 an obligation of the debtor under a repayment plan
11 based on a delinquent payment until after the date
12 on which the debtor has been delinquent on the pay-
13 ment for an 90-day period.

14 “(4) PLAN ENFORCEABLE BY TRUSTEE AS A
15 SIMPLE CONTRACT.—Subject to sections 362 and
16 1029 and paragraph (7), the trustee may enforce an
17 obligation of the debtor under a repayment plan only
18 as a simple contract under applicable nonbankruptcy
19 law.

20 “(5) APPLICATION OF NONBANKRUPTCY LAW.—
21 Except as provided in section 1029, enforcement of
22 the obligations of a debtor under a repayment plan
23 shall be subject to applicable nonbankruptcy law, in-
24 cluding laws relating to the garnishment of the
25 wages of the debtor.

1 cured by property of the debtor, the debtor may,
2 upon completion of the cure payments due under the
3 plan, certify to the holder of such claim using a form
4 prescribed by the Judicial Conference of the United
5 States, with notice given to the court, that the de-
6 fault has been cured.

7 “(2) PRESUMPTIVE EVIDENCE.—A certification
8 of a debtor of cure of a default by the debtor under
9 paragraph (1) shall constitute presumptive evidence
10 that the default has in fact been cured.

11 **“§ 1027. Protection of lessors and purchase money**
12 **lenders**

13 “(a) LEASE PAYMENTS.—The debtor shall timely
14 make any payments scheduled in a lease of personal prop-
15 erty directly to the lessor for the portion of the obligation
16 that becomes due after the date of the order for relief
17 under this chapter, unless—

18 “(1) the court orders otherwise;

19 “(2) the debtor rejects a lease of personal prop-
20 erty under section 365(a); or

21 “(3) the debtor assumes a lease of personal
22 property under section 365(p)(1)(B).

23 “(b) INSURANCE COVERAGE.—Not later than 60
24 days after the date of the order for relief under this chap-
25 ter, a debtor who has proposed a plan that retains posses-

1 sion of personal property subject to a lease a purchase
2 money security interest shall—

3 “(1) provide the lessor or holder of the claim
4 reasonable evidence of the maintenance of any insur-
5 ance coverage required under the lease or purchase
6 money security agreement with respect to the use or
7 ownership of the property; and

8 “(2) continue to provide the reasonable evidence
9 required under paragraph (1) for as long as the
10 debtor retains possession of the property before the
11 date of confirmation of a plan addressing the prop-
12 erty.

13 **“§ 1028. Effect of confirmation**

14 “(a) BINDING EFFECT.—The provisions of a con-
15 firmed plan bind the debtor and each creditor of a claim
16 for which the plan provides, regardless of whether the
17 creditor has objected to the plan.

18 “(b) REPAYMENT PLAN INJUNCTION.—Confirmation
19 of a repayment plan shall operate as an injunction against
20 the commencement or continuation of an action, the em-
21 ployment of process, or an act to collect, recover, or offset
22 any debt excepted from discharge under section 523(a)
23 and treated under section 1022(a)(1)(B)(ii) until—

24 “(1) the date on which the debtor completes all
25 payments due under the plan; or

1 “(2) the debtor is not less than 90 days delin-
2 quent on a payment required under a repayment
3 plan.

4 “(c) RESIDENCE PLAN INJUNCTION.—Except as pro-
5 vided in subsection (e), confirmation of a residence plan
6 shall operate as an injunction against the commencement
7 or continuation of an action, the employment of process,
8 or an act, to collect, recover, or offset any debt treated
9 under section 1022(b)(2) or property securing such debt
10 as long as the debtor is not more than 120 days delinquent
11 on a payment required under a residence plan.

12 “(d) PROPERTY PLAN INJUNCTION.—Except as pro-
13 vided in subsection (e), confirmation of a property plan
14 shall operate as an injunction against the commencement
15 or continuation of an action, the employment of process,
16 or an act, to collect, recover, or offset any debt treated
17 under section 1022(c)(2) or property securing such debt
18 as long as the debtor is not more than 90 days delinquent
19 on a payment required under a property plan.

20 “(e) REQUEST FOR RELIEF FROM INJUNCTION.—A
21 party in interest may request from the court relief from
22 the operation of an injunction under subsection (c) or (d).

23 “(f) VESTING OF PROPERTY.—Except as otherwise
24 provided in a plan or the order confirming the plan, the

1 confirmation of a plan vests all of the property of the es-
2 tate in the debtor.

3 “(g) FREE AND CLEAR.—Except as otherwise pro-
4 vided in a plan or in the order confirming the plan, the
5 property vesting in the debtor under subsection (f) is free
6 and clear of any claim or interest of any creditor holding
7 a claim provided for by the plan.

8 “(h) SECURED CLAIMS.—Except as provided by sec-
9 tion 1031, the confirmation of a repayment plan leaves
10 unaltered the rights of the holder of a secured claim that
11 has not been avoided under this title.

12 “(i) LIEN CREATED TO SECURE REPAYMENT PLAN
13 OBLIGATION.—

14 “(1) IN GENERAL.—The confirmation of a re-
15 payment plan creates a lien in favor of the trustee
16 in the amount of the minimum payment obligation
17 on any non-exempt property of the estate retained
18 by the debtor pursuant to section
19 1022(a)(1)(A)(i)(II) to secure the minimum pay-
20 ment obligation.

21 “(2) PRIORITY OF LIEN.—Without regard to
22 the knowledge of the trustee or any creditor, a lien
23 created under paragraph (1) shall have the same
24 status, priority, rights, and powers, with respect to

1 the property retained by the debtor to secure the ob-
2 ligation, as—

3 “(A) a creditor, regardless of whether such
4 a creditor exists, that extends credit to the
5 debtor at the time of the commencement of the
6 case and obtains, at such time, and with respect
7 to such credit, a judicial lien on any such non-
8 exempt property that is personal property;

9 “(B) a bona fide purchaser of any such
10 real property, other than fixtures, from the
11 debtor against whom applicable law permits
12 such transfer to be perfected and that obtains
13 the status of a bona fide purchaser; and has
14 perfected such transfer at the time of the com-
15 mencement of the case, whether or not any
16 such purchaser exists;

17 “(C) the holder of a perfected security in-
18 terest in any such personal property of the
19 debtor against which applicable law permits
20 such security interest to be perfected as of the
21 date of the confirmation of the repayment plan,
22 whether or not such a holder exists; or

23 “(D) the holder of a perfected garnishment
24 lien against the wages of the debtor, whether or
25 not such a holder exists.

1 “(3) EFFECT OF LIEN.—A lien created under
2 paragraph (1)—

3 “(A) may not be considered a garnishment
4 for the purposes of section 304(a) of the Con-
5 sumer Credit Protection Act (15 U.S.C.
6 1674(a)); and

7 “(B) shall be subordinate to any lien for
8 payment of a domestic support obligation.

9 “(4) RECORD OF LIEN.—The trustee shall
10 record a lien created under paragraph (1) in the
11 bankruptcy lien filing system maintained by the Ex-
12 ecutive Office of the United States Trustee under
13 section 501 of the Consumer Bankruptcy Reform
14 Act of 2020.

15 “(j) EFFECT OF RESIDENCE OR PROPERTY PLAN.—
16 Except to the extent inconsistent with the plan or the pro-
17 visions of this title, confirmation of a residence plan or
18 a property plan leaves unaltered the rights of the parties
19 under any agreement that is the basis for a claim secured
20 by property provided for by the plan.

21 “(k) CERTAIN CONTRACT PROVISIONS VOID.—

22 “(1) IPSO FACTO CLAUSES VOID.—The con-
23 firmation of a plan voids any provision in a contract
24 provided for by the plan that is conditioned on—

1 “(A) the insolvency or financial condition
2 of the debtor at any time before the closing of
3 a case;

4 “(B) the commencement of a case under
5 this title; or

6 “(C) the appointment of, or taking of pos-
7 session by, a trustee in a case under this title
8 or a custodian before a case is commenced
9 under this title.

10 “(2) ARBITRATION AND JOINT-ACTION PROVI-
11 SIONS VOID.—Notwithstanding any contrary provi-
12 sion of nonbankruptcy law, the confirmation of a
13 plan voids any pre-dispute arbitration agreement or
14 pre-dispute joint-action lawsuit waiver relating to
15 property subject to the plan.

16 “(1) JURISDICTION TO RESOLVE DISPUTES.—Upon
17 confirmation of a plan, the court shall retain jurisdiction
18 to resolve any disputes arising under, or relating to, the
19 plan and may order any appropriate relief in such a dis-
20 pute, including the suspension of the payment obligations
21 of the debtor under the plan.

22 **“§ 1029. Modification of repayment plan**

23 “(a) IN GENERAL.—After notice and a hearing, the
24 court may, for cause, modify an obligation of the debtor

1 under a repayment plan based on a material change in
2 the financial condition of the debtor that—

3 “(1) occurs after the date of the confirmation
4 of the repayment plan; and

5 “(2) would impose a substantial burden on the
6 debtor or a dependent of the debtor.

7 “(b) UNANTICIPATED ATTORNEY’S FEES.—If the
8 debtor incurs unanticipated attorney’s fees for services
9 provided subsequent to confirmation of a repayment plan,
10 including for services relating to this section, after notice
11 and a hearing, the court may, for cause—

12 “(1) subject to section 502(b)(3), allow the
13 debtor to modify the repayment plan to include
14 treatment of such attorney’s fees; and

15 “(2) permit the debtor to extend the term of a
16 repayment plan by up to 6 months to facilitate
17 treatment of such attorney’s fees.

18 “SUBCHAPTER III—DISCHARGE

19 “§ 1031. Discharge; scope and timing

20 “(a) IN GENERAL.—Subject to subsection (b), the
21 court shall grant the debtor a discharge in accordance with
22 subsection (c) as soon as is practicable after—

23 “(1) the date of confirmation of a repayment
24 plan; or

1 “(2) in the case of a debtor that has no min-
2 imum payment obligation, the date on which the
3 deadline for filing a repayment plan under section
4 1021(e) expires.

5 “(b) EXCEPTIONS.—The court may not grant a dis-
6 charge under subsection (a) to a debtor who has—

7 “(1) been granted a discharge under this sec-
8 tion, under section 1141, 1192, 1128, or under
9 former section 727 or 1328, within 6 years of the
10 date of the filing of the petition;

11 “(2) failed to tender the property of the estate
12 that is designated to be tendered under a repayment
13 plan under section 1022(a)(1)(A)(i)(II);

14 “(3)(A) executed a written waiver of discharge
15 after the date of the order for relief; and

16 “(B) appeared at a hearing at which the court
17 determined that the debtor adequately understands
18 the terms and consequences of the waiver described
19 in subparagraph (A);

20 “(4) with the intent to hinder, delay, or defraud
21 a creditor or an officer of the estate charged with
22 the custody of property under this title, transferred,
23 removed, destroyed, mutilated, concealed, or per-
24 mitted the transfer, removal, destruction, mutilation,
25 or concealment of—

1 “(A) property of the debtor within 1 year
2 of the date of the filing of the petition; or

3 “(B) property of the estate after the date
4 of the filing of the petition;

5 “(5) concealed, destroyed, mutilated, falsified,
6 or failed to keep or preserve any recorded informa-
7 tion from which the financial condition or business
8 transactions of the debtor might have been
9 ascertained, unless such act or failure was justified
10 under all of the circumstances of the case;

11 “(6) knowingly and fraudulently, in the case or
12 in connection with the case—

13 “(A) made a false oath or account;

14 “(B) presented or used a false claim;

15 “(C) gave, offered, received, or attempted
16 to obtain money, property, or advantage, or a
17 promise of money, property, or advantage, for
18 acting or forbearing to act; or

19 “(D) withheld from the trustee any re-
20 corded information, including books, documents,
21 records, and papers, relating to the property or
22 financial affairs of the debtor;

23 “(7) failed to satisfactorily explain, before the
24 determination of denial of discharge under this para-

1 graph, any loss of assets or deficiency of assets to
2 meet the liabilities of the debtor; or

3 “(8) refused in the case—

4 “(A) to obey any lawful order of the court,
5 other than an order to respond to a material
6 question or to testify;

7 “(B) on the ground of privilege against
8 self-incrimination, to respond to a material
9 question approved by the court or to testify
10 after the debtor has been granted immunity
11 with respect to the matter concerning which the
12 privilege was invoked; or

13 “(C) on a ground other than a properly in-
14 voked privilege against self-incrimination, to re-
15 spond to a material question approved by the
16 court or to testify.

17 “(c) DEBTS DISCHARGED.—Except as provided in
18 section 523, a discharge under subsection (a) discharges
19 the debtor from all debts that arose before the date of
20 the order for relief under this chapter and any liability
21 on a claim that is determined under section 502 as if such
22 debt or claim had arisen before the commencement of the
23 case, whether or not—

24 “(1) a proof of claim based on any such debt
25 or liability is filed under section 501; or

1 “(2) a claim based on any such debt or liability
2 is allowed under section 502.

3 “(d) NOTICE OF DEBTOR’S RIGHTS.—Upon granting
4 a discharge under subsection (a), the court shall include
5 in the discharge order provided to the debtor on a form
6 prescribed by the Judicial Conference of the United States
7 in accordance with rule 9009 of the Federal Rules of
8 Bankruptcy Procedure a conspicuous notice of—

9 “(1) the right to bring an action for contempt
10 or a civil action under section 524(c); and

11 “(2) the existence of other Federal or State
12 laws that may provide additional remedies to the
13 debtor in the event a person violates section 524.

14 **“§ 1032. Revocation of discharge or order of con-**
15 **firmation**

16 “(a) IN GENERAL.—On request of the trustee, a
17 creditor, or the United States trustee, at any time within
18 1 year after the date of the entry of an order of confirma-
19 tion under section 1024 or an order of discharge under
20 section 1031, and after notice and a hearing, the court
21 may revoke such order only if—

22 “(1) such confirmation or discharge was ob-
23 tained through the fraud of the debtor and the re-
24 questing party did not know of such fraud until

1 after the granting of such confirmation or discharge;
2 or

3 “(2) the debtor has refused, in the case—

4 “(A) to obey any lawful order of the court,
5 other than an order to respond to a material
6 question or to testify;

7 “(B) on the ground of privilege against
8 self-incrimination, to respond to a material
9 question approved by the court or to testify,
10 after the debtor has been granted immunity
11 with respect to the matter concerning which
12 such privilege was invoked; or

13 “(C) on a ground other than the properly
14 invoked privilege against self-incrimination, to
15 respond to a material question approved by the
16 court or to testify.

17 “(b) DISPOSAL OF CASE.—If the court revokes an
18 order of confirmation or an order of discharge under sub-
19 section (a), the court shall convert or dismiss the case
20 under section 1005.

21 “SUBCHAPTER IV—AVOIDANCE ACTIONS

22 “§ 1041. Treatment of certain liens

23 “The trustee may avoid a lien that secures a claim
24 of a kind described in section 726(a)(4).

1 **“§ 1042. Limitations on avoidance actions**

2 “The trustee may not bring an action to avoid a
3 transfer or obligation under section 544, 545, 547, 548,
4 553, or 1041, unless there are allowed unsecured claims
5 against the estate that the debtor does not propose to pay
6 in full under a repayment plan.

7 **“SUBCHAPTER V—LIMITED PROCEEDINGS**

8 **“§ 1051. Election of limited proceeding**

9 “(a) IN GENERAL.—

10 “(1) ELECTION OF LIMITED PROCEEDING.—In
11 a case commenced under section 301 or 302, a debt-
12 or that is eligible to file under this chapter may, as
13 part of the petition for relief, elect to conduct a lim-
14 ited proceeding that affects only claims secured by
15 specific items of the property of the debtor under
16 this subchapter.

17 “(2) GENERAL PROCEEDING AS DEFAULT.—If
18 the debtor does not elect to conduct a limited pro-
19 ceeding in a case under this chapter—

20 “(A) the case shall proceed as a general
21 proceeding under this title; and

22 “(B) this subchapter shall not apply to the
23 case.

24 “(b) LIMITATION ON ELECTION.—

1 “(1) IN GENERAL.—After the entry of order for
2 relief, the debtor may not elect to conduct a limited
3 proceeding.

4 “(2) ELECTION AFTER DISMISSAL.—Nothing in
5 this section shall preclude a debtor, subsequent to
6 the dismissal of a case, from—

7 “(A) filing a petition under section 301 or
8 302; and

9 “(B) electing to conduct a limited pro-
10 ceeding under subsection (a).

11 **“§ 1052. Effect of limited proceeding**

12 “If the debtor elects to conduct a limited proceeding
13 under section 1051(a)—

14 “(1) the debtor shall file with the petition a
15 schedule of affected property designating the prop-
16 erty to be subject to the limited proceeding that lists
17 any creditor that has an interest in such property;

18 “(2) the property of the estate under section
19 541 shall be limited to property that the debtor has
20 indicated in the schedule of affected property;

21 “(3) sections 341, 365, 1001, 1002, 1003,
22 1005(a), 1005(b)(4), 1005(b)(7), 1005(e), 1008,
23 1021(a)(1), 1025, 1027(a), 1031, 1032, 1041, and
24 1042 shall not apply to the case;

1 “(4) subject to any limitations of a trustee
2 under this chapter, the debtor shall have the rights
3 and powers of a trustee under—

4 “(A) subsections (b), (c), (d), (f), and (l)
5 of section 363; and

6 “(B) sections 364, 544, 546, 547, 548,
7 549, and 553;

8 “(5) the debtor shall file 1 or more plans under
9 paragraphs (2) and (3) of section 1021(a) with re-
10 spect to property listed in the schedule of affected
11 property within 7 days of the order for relief, or
12 such further time as the court may allow for cause,
13 but in no case more than 30 days after the date of
14 the order for relief;

15 “(6) the stay under subsection section 362(a)
16 shall apply only to entities with an interest in the
17 property that the debtor has indicated in the sched-
18 ular of affected property as intended for treatment
19 under a plan;

20 “(7) the debtor shall not be required to file the
21 items required under section 521(a)(1)(B), other
22 than a statement of current income and current ex-
23 penditures; and

24 “(8) notice of the order for relief shall not be
25 required to be provided to parties other than parties

1 with claims secured by property that the debtor has
2 indicated in the schedule of affected property and to
3 the United States trustee.

4 **“§ 1053. Dismissal or conversion of limited pro-**
5 **ceedings**

6 “(a) ELECTION OF DISMISSAL OR CONVERSION OF
7 LIMITED PROCEEDING.—The debtor may elect to dismiss
8 a limited proceeding or convert a limited proceeding to a
9 general proceeding under this chapter by filing a notice
10 of termination or conversion within 7 days of the earlier
11 of—

12 “(1) the failure of the debtor to timely file a
13 plan required under section 1052(5); or

14 “(2) the failure of the court to confirm a plan
15 within 60 days of the date of the order for relief.

16 “(b) CONVERSION OF LIMITED PROCEEDING.—If a
17 debtor elects to convert a limited proceeding to a general
18 proceeding under this chapter under subsection (a)—

19 “(1) the property of the estate shall be deter-
20 mined under section 541, without regard to section
21 1052(2), as of the date of the notice of conversion;

22 “(2) the stay under section 362(a) shall apply
23 to each entity as of the date of the notice of conver-
24 sion;

1 “(3) notice of the order for relief shall be pro-
2 vided to each party in interest that was not notified
3 under section 1052(8);

4 “(4) any timeline for an action to be taken by
5 the debtor under this title that begins on the date
6 of the order for relief shall be adjusted to begin on
7 the date of the notice of conversion;

8 “(5) except as provided in section 506, with re-
9 spect to a creditor that has a claim secured by prop-
10 erty included in the schedule of affected property
11 filed under section 1052(1), any claims that arose
12 against the debtor after the date of the order for re-
13 lief and before the date of the notice of conversion
14 shall be deemed to have arisen immediately before
15 the date of the filing of the petition; and

16 “(6) any valuation of property or an allowed se-
17 cured claim, any determination of a claim allowance,
18 and any other determination made in the course of
19 the limited proceeding may be used in the general
20 proceeding, unless the court for cause orders other-
21 wise.

22 “(c) DISMISSAL BY COURT OF LIMITED PRO-
23 CEEDING.—At any time, after notice and a hearing, the
24 court, on its own motion or on a motion by the United
25 States trustee, may dismiss a case that is proceeding as

1 a limited proceeding on the grounds that the granting of
 2 relief would be a manifestly improper use of the bank-
 3 ruptcy system.”.

4 (b) CLERICAL AMENDMENT.—The table of chapters
 5 for title 11, United States Code, is amended by inserting
 6 after the item relating to chapter 9 the following:

“10. Individual bankruptcy 1001”.

7 **SEC. 103. REPEAL OF CHAPTER 13.**

8 (a) IN GENERAL.—Chapter 13 of title 11, United
 9 States Code, is repealed.

10 (b) CLERICAL AMENDMENT.—The table of chapters
 11 for title 11, United States Code, is amended by striking
 12 the item relating to chapter 13.

13 **SEC. 104. OTHER AMENDMENTS TO THE BANKRUPTCY**
 14 **CODE.**

15 (a) DEFINITIONS.—

16 (1) IN GENERAL.—Section 101 of title 11,
 17 United States Code, is amended—

18 (A) by striking paragraphs (3), (4A),
 19 (10A), (12A), and (30);

20 (B) by redesignating paragraphs (53B),
 21 (53C), (56A), (53D), (54), (54A), and (55) as
 22 paragraphs (86), (87), (88), (89), (90), (91),
 23 and (92), respectively;

24 (C) by inserting before paragraph (87), as
 25 so redesignated, the following:

1 “(85) The term ‘store gift card’ means a card,
2 code, or other device that is—

3 “(A) issued in exchange for payment on a
4 prepaid basis primarily for personal, family, or
5 household purposes to a consumer in a specified
6 amount, whether or not that amount may be in-
7 creased or reloaded; and

8 “(B) redeemable for goods or services upon
9 presentation at a single merchant or an affili-
10 ated group of merchants.”;

11 (D) by redesignating paragraphs (48),
12 (48A), (49), (50), (51), (51A), (51B), (51C),
13 (51D), (52), (53), and (53A) as paragraphs
14 (73), (74), (75), (76), (77), (78), (79), (80),
15 (81), (82), (83), and (84), respectively;

16 (E) by inserting before paragraph (73), as
17 so redesignated, the following:

18 “(72) The term ‘residence plan’ means a plan
19 filed pursuant to section 1022(b) of this title.”;

20 (F) by redesignating paragraphs (46) and
21 (47) as paragraphs (70) and (71), respectively;

22 (G) by inserting before paragraph (70), as
23 so redesignated, the following:

24 “(69) The term ‘repayment plan’ means a plan
25 filed pursuant to section 1022(a) of this title.”;

1 (H) by redesignating paragraph (45) as
2 paragraph (68);

3 (I) by inserting before paragraph (68), as
4 so redesignated, the following:

5 “(67) The term ‘realizable value’ means the
6 value, as of the relevant date, that could be obtained
7 for the relevant property in a lawful foreclosure, re-
8 possession, or execution sale, less the costs of such
9 sale.”;

10 (J) by redesignating paragraphs (43) and
11 (44) as paragraphs (65) and (66), respectively;

12 (K) by inserting before paragraph (65), as
13 so redesignated, the following:

14 “(64) The term ‘property plan’ means a plan
15 filed pursuant to section 1022(c) of this title.”;

16 (L) by redesignating paragraph (42A) as
17 paragraph (63);

18 (M) by inserting before paragraph (63), as
19 so redesignated, the following:

20 “(61) The term ‘pre-dispute arbitration agree-
21 ment’ means any agreement to which the debtor is
22 a party to arbitrate a dispute that has not arisen at
23 the time of the making of the agreement.

24 “(62) The term ‘pre-dispute joint-action waiver’
25 means any agreement to which the debtor is a party,

1 whether or not part of a predispute arbitration
2 agreement, that would prohibit the debtor from par-
3 ticipating, or waive the right of the debtor to partici-
4 pate, in a joint, class, or collective action in a judi-
5 cial, arbitral, administrative, or other forum, con-
6 cerning a dispute that has not yet arisen at the time
7 of the making of the agreement.”;

8 (N) by redesignating paragraphs (40),
9 (40A), (40B), (41), (41A), and (42) as para-
10 graphs (55), (56), (57), (58), (59), and (60),
11 respectively;

12 (O) by inserting before paragraph (56), as
13 so redesignated, the following:

14 “(54) The term ‘minimum payment obligation’
15 means, except as provided in section 1021(c)(1) of
16 this title, an amount equal to the lesser of—

17 “(A) the allowed unsecured claims; or

18 “(B) the sum of—

19 “(i) the value of the debtor’s interest
20 in property of the bankruptcy estate in ex-
21 cess of—

22 “(I) any allowed secured claims
23 that are secured by that property;
24 plus

1 “(II) any exemption applicable
2 under section 522(b);

3 “(ii) in the case of a debtor in a
4 household of 1, 2, 3, or 4 individuals, to
5 the extent the debtor’s annual income ex-
6 ceeds 135 percent of the median family in-
7 come of the applicable State for a family
8 of the same number of individuals or fewer
9 as the debtor—

10 “(I) if the excess is not over
11 \$10,000, 15 percent of the excess;

12 “(II) if the excess is over
13 \$10,000 but not over \$50,000, \$1,500
14 plus 45 percent of the excess over
15 \$10,000;

16 “(III) if the excess is over
17 \$50,000 but not over \$100,000,
18 \$19,500 plus 75 percent of the excess
19 over \$50,000; or

20 “(IV) if the excess is over
21 \$100,000, \$94,500 plus 150 percent
22 of the excess over \$100,000; and

23 “(iii) in the case of a debtor in a
24 household exceeding 4 individuals, clause
25 (ii) shall apply, except that excess income

1 shall be calculated as the extent to which
2 the debtor’s annual income exceeds the
3 sum of 135 percent of the highest median
4 family income of the applicable State for a
5 family of 4 or fewer individuals and \$9,000
6 for each individual in excess of 4.”;

7 (P) by redesignating paragraphs (31),
8 (32), (33), (34), (35), (35A), (36), (37), (38),
9 (38A), (38B), (39), and (39A) as paragraphs
10 (41), (42), (43), (44), (45), (46), (47), (48),
11 (49), (50), (51), (52), and (53), respectively;

12 (Q) in paragraph (45)(B), as so redesignated,
13 by striking “paragraphs (21B) and
14 (33)(A)” and inserting “paragraphs (29) and
15 (43)(A)”;

16 (R) by redesignating paragraphs (14),
17 (14A), (15), (16), (17), (18), (19), (19A),
18 (19B), (20), (21), (21A), (21B), (22), (22A),
19 (23), (24), (25), (26), (27), (27A), (27B), (28),
20 and (29) as paragraphs (17), (18), (19), (20),
21 (21), (22), (23), (24), (25), (26), (27), (28),
22 (29), (30), (31), (32), (33), (34), (35), (36),
23 (37), (38), (39), and (40), respectively;

24 (S) in paragraph (18), as so redesignated—
25

1 (i) in the matter preceding subpara-
2 graph (A), by inserting “attorneys’ fees
3 and” before “interest”; and

4 (ii) by striking subparagraph (A) and
5 inserting the following:

6 “(A) owed to or recoverable by a spouse,
7 former spouse, or child of the debtor or a par-
8 ent, legal guardian, or responsible relative of
9 such a child;”;

10 (T) by striking paragraph (13A) and in-
11 sserting the following:

12 “(16) The term ‘debtor’s principal residence’,
13 with respect to a debtor, means 1 of the following:

14 “(A) A residential structure that the debt-
15 or or a dependent uses as a residence, including
16 an individual condominium, a mobile or manu-
17 factured home, or trailer or houseboat, and inci-
18 dental property, without regard to whether that
19 structure is attached to real property.

20 “(B) An interest in a cooperative that
21 owns property that the debtor or a dependent
22 of the debtor uses as a residence.

23 “(C) A residential leasehold that the debt-
24 or or a dependent of the debtor uses as a resi-
25 dence.”;

1 (U) by redesignating paragraphs (7A),
2 (7B) (8), (9), (10), (11), (12), and (13) as
3 paragraphs (8), (9), (10), (11), (12), (13),
4 (14), and (15), respectively; and

5 (V) by inserting before paragraph (4) the
6 following:

7 “(3) The term ‘annual income’ means—

8 “(A) an amount equal to twice the income
9 from all sources that the debtor receives (or in
10 a joint case the debtor and the debtor’s spouse
11 receive) without regard to whether such income
12 is taxable, derived during the 6-month period
13 ending on the last day of the calendar month
14 immediately preceding the date of the filing of
15 the petition; and

16 “(B) any amount paid by any entity other
17 than the debtor (or in a joint case the debtor
18 and the debtor’s spouse), on a regular basis on
19 behalf of the debtor, except that the proceeds
20 from the sale of an asset not in the ordinary
21 course of business shall not be included in an-
22 nual income.”.

23 (2) CONFORMING AMENDMENTS TO OTHER
24 LAWS.—

1 (A) Section 1503(3)(A)(iv) of the S.A.F.E.
2 Mortgage Licensing Act of 2008 (12 U.S.C.
3 1502(3)(A)(iv)) is amended by striking “section
4 101(53D)” and inserting “section 101(89)”.

5 (B) Section 116(a)(2)(A) of the Emer-
6 gency Economic Stabilization Act of 2008 (12
7 U.S.C. 5226(a)(2)(A)) is amended by striking
8 “section 101(27)” and inserting “section
9 101(36)”.

10 (C) Section 210(a) of the Dodd-Frank
11 Wall Street Reform and Consumer Protection
12 Act (12 U.S.C. 5390(a))—

13 (i) in paragraph (11)(H)—

14 (I) in clause (i)(I), by striking
15 “section 101(31)” and inserting “sec-
16 tion 101(41)”;

17 (II) in clause (ii)(II), by striking
18 “section 101(32)” and inserting “sec-
19 tion 101(42)”;

20 (ii) in paragraph (12)(C), by striking
21 “section 101(32)” and inserting “section
22 101(42)”.

23 (D) Section 3E(g) of the Securities Ex-
24 change Act of 1934 (15 U.S.C. 78c-5(g)) is

1 amended by striking “section 101(53A)(B)”
2 and inserting “section 101(84)(B)”.

3 (E) Section 103(dd)(5) of the Truth in
4 Lending Act (15 U.S.C. 1602(dd)(5)) is amend-
5 ed by striking “section 101(53D)” and insert-
6 ing “section 101(89)”.

7 (F) Section 128(b)(2)(G)(i) of the Truth
8 in Lending Act (15 U.S.C. 1638(b)(2)(G)(i)) is
9 amended, in the matter preceding subclause (I),
10 by striking “section 101(53D)” and inserting
11 “section 101(89)”.

12 (G) Section 129B(f) of the Truth in Lend-
13 ing Act (15 U.S.C. 1639b(f)) is amended by
14 striking “section 101(53D)” and inserting “sec-
15 tion 101(89)”.

16 (H) Section 129C(i) of the Truth in Lend-
17 ing Act (15 U.S.C. 1639c(i)) is amended by
18 striking “section 101(53D)” and inserting “sec-
19 tion 101(89)”.

20 (I) Section 1016(f)(2)(A) of the Oil Pollu-
21 tion Act of 1990 (33 U.S.C. 2716(f)(2)(A)) is
22 amended by striking “section 101(32)” and in-
23 serting “section 101(42)”.

24 (J) Section 405(j)(2)(C) of PROMESA
25 (48 U.S.C. 2194(j)(2)(C)) is amended by strik-

1 ing “section 101(11)” and inserting “section
2 101(13)”.

3 (b) APPLICABILITY OF CHAPTERS.—Section 103 of
4 title 11, United States Code, is amended—

5 (1) in subsection (a)—

6 (A) by striking “chapter 7, 11, 12, or 13
7 of this title” and inserting “chapter 7, 10, 11,
8 or 12 of this title”; and

9 (B) by striking “section 362(o)” and in-
10 serting “section 362(m)”; and

11 (2) in subsection (j) by striking “Chapter 13”
12 and inserting “Chapter 10”.

13 (c) ADJUSTMENT OF DOLLAR AMOUNTS.—Section
14 104 of title 11, United States Code, is amended—

15 (1) in subsection (a) by striking “sections
16 101(3)” and all that follows through “of this title”
17 and inserting “this title”; and

18 (2) in subsection (b) by striking “sections
19 101(3)” and all that follows through “of this title”
20 and inserting “this title”.

21 (d) WAIVER OF SOVEREIGN IMMUNITY.—Section
22 106(a)(1) of title 11, United States Code, is amended—

23 (1) by striking “722,”;

24 (2) by inserting “1028,” after “944,”; and

1 (3) by striking “1231, 1301, 1303, 1305, and
2 1327” and inserting “and 1231”.

3 (e) EXTENSION OF TIME.—Section 108 of title 11,
4 United States Code, is amended—

5 (1) in subsection (b), in the matter preceding
6 paragraph (1), by striking “or 1301”; and

7 (2) in subsection (c)—

8 (A) in the matter preceding paragraph (1),
9 by striking “1201 or 1301” and inserting
10 “1009 or 1201”; and

11 (B) in paragraph (2), by striking “section
12 362, 922, 1201, or 1301 of this title,” and in-
13 serting “section 362, 922, or 1201 of this
14 title,”.

15 (f) WHO MAY BE A DEBTOR.—

16 (1) IN GENERAL.—Section 109 of title 11,
17 United States Code, is amended—

18 (A) in subsection (b)—

19 (i) by redesignating paragraphs (1),
20 (2), and (3) as paragraphs (2), (3), and
21 (4), respectively; and

22 (ii) by inserting before paragraph (2),
23 as so redesignated, the following:

24 “(1) an individual;”;

25 (B) by striking subsection (e);

1 (C) by redesignating subsection (d) as (e);

2 (D) by inserting after subsection (c) the

3 following:

4 “(d) Only an individual that owes aggregate non-
5 contingent liquidated secured and unsecured debts as of
6 the date of the filing of the petition or the date of the
7 order for relief in an amount not more than \$7,500,000
8 (excluding debts owed to 1 or more affiliates or insiders)
9 may be a debtor under chapter 10 of this title.”;

10 (E) in subsection (e), as so redesignated,

11 by striking “railroad, a person” and inserting

12 “railroad, an individual, a person”;

13 (F) by striking subsection (g) and insert-

14 ing the following:

15 “(g) Notwithstanding any other provision of this sec-
16 tion, no individual or family farmer may be a debtor under
17 this title who has been a debtor in a case pending under
18 this title at any time in the preceding 180 days if the case
19 was dismissed by the court for willful failure of the debtor
20 to abide by orders of the court, or to appear before the
21 court in proper prosecution of the case.”; and

22 (G) by striking subsection (h) and insert-

23 ing the following:

24 “(h)(1) Upon motion of a party in interest or on the
25 court’s own motion, the court may, after notice and a

1 hearing, include in an order dismissing a case under sec-
2 tion 707, 1005, 1053(c), 1112, or 1208 of this title a re-
3 striction of the debtor’s eligibility to refile a subsequent
4 case under this title upon a finding of cause, including—

5 “(A) willful failure of the debtor to—

6 “(i) abide by orders of the court; or

7 “(ii) propose a plan required under section
8 1021, 1129, or 1225 in good faith and not by
9 any means forbidden by law;

10 “(B) willful and substantial default by the debt-
11 or with respect to a term of a confirmed plan;

12 “(C) a pattern or practice of filing bankruptcy
13 petitions as part of a manifestly improper use of the
14 bankruptcy system;

15 “(D) willful failure of the debtor to appear be-
16 fore the court in proper prosecution of the case; or

17 “(E) other manifestly improper use of the pro-
18 visions of this title.

19 “(2) The period of ineligibility for a subsequent
20 case—

21 “(A) shall extend for 180 days from the date of
22 the entry of the court’s order unless the court orders
23 otherwise; and

24 “(B) may extend for a period longer than 180
25 days (but not to exceed 720 days) only if the court

1 finds manifestly improper use the bankruptcy sys-
2 tem.

3 “(3) After notice and a hearing, the court may de-
4 crease the period of ineligibility based upon a showing of
5 changed circumstances or for good cause shown.”.

6 (2) CONFORMING AMENDMENTS.—

7 (A) Section 1501(c)(2) of title 11, United
8 States Code, is amended by striking “109(e)”
9 and inserting “109(d)”.

10 (B) Section 303(1) of PROMESA (48
11 U.S.C. 2163(1)) is amended by striking “sec-
12 tion 109(b)(2)” and inserting “section
13 109(b)(3)”.

14 (g) PENALTY FOR PERSONS WHO NEGLIGENTLY OR
15 FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.—
16 Section 110(e)(2)(B)(i)(II) of title 11, United States
17 Code, is amended by striking “under chapter 7, 11, 12,
18 or 13” and inserting “under chapter 10, 11, or 12”.

19 (h) NONPROFIT BUDGET AND CREDIT COUNSELING
20 AGENCIES; FINANCIAL MANAGEMENT INSTRUCTIONAL
21 COURSES.—

22 (1) Chapter 1 of title 11, United States Code,
23 is amended by striking section 111.

1 (2) The table of sections for chapter 1 of title
2 11, United States Code, is amended by striking the
3 item relating to section 111.

4 (i) INVOLUNTARY CASES.—Section 303 of title 11,
5 United States Code, is amended—

6 (1) in subsection (a) by striking “chapter 7 or
7 11 of this title” and inserting “chapter 7, 10, or 11
8 of this title”;

9 (2) in subsection (b) by striking “chapter 7 or
10 11 of this title—” and inserting “chapter 7, 10, or
11 11 of this title—”;

12 (3) in subsection (g)—

13 (A) by striking “chapter 7 of this title”
14 and inserting “chapter 7 or 10 of this title”;
15 and

16 (B) by striking “section 701 of this title”
17 and inserting “section 701 or 1003 of this
18 title”; and

19 (4) in subsection (k)(2), by striking “the court
20 may enter an order” and inserting “the court shall
21 enter an order”.

22 (j) APPEARANCE BY CONSUMER FINANCIAL PROTEC-
23 TION BUREAU.—

1 (1) IN GENERAL.—Subchapter I of chapter 3 of
2 title 11, United States Code, is amended by adding
3 at the end the following:

4 **“§ 309. Bureau of Consumer Financial Protection ap-**
5 **pearances in bankruptcy cases**

6 “Notwithstanding section 1054(e) of the Consumer
7 Financial Protection Act (12 U.S.C. 5564(e)), the Bureau
8 of Consumer Financial Protection may represent itself in
9 its own name and may raise, appear, and be heard on any
10 issue in a case under this title before any court with ap-
11 propriate jurisdiction.”.

12 (2) CONFORMING AMENDMENT.—The table of
13 sections for chapter 3 of title 11, United States
14 Code, is amended by inserting after the item relating
15 to section 308 the following:

“309. Bureau of Consumer Financial Protection appearances in bankruptcy
cases.”.

16 (k) ELIGIBILITY TO SERVE AS TRUSTEE.—Section
17 321(a) of title 11, United States Code, is amended by
18 striking “under chapter 7, 12, or 13 of this title,” each
19 place it appears and inserting “under chapter 7, 10, or
20 12 of this title,”.

21 (l) QUALIFICATION OF TRUSTEE.—Section 322(a) of
22 title 11, United States Code, is amended by striking “701,
23 702, 703, 1104, 1163, 1183, 1202, or 1302” and insert-
24 ing “701, 702, 703, 1001, 1104, 1163, 1183, or 1202”.

1 (m) LIMITATION ON COMPENSATION OF TRUSTEE.—
2 Section 326(b) of title 11, United States Code, is amend-
3 ed—

4 (1) by striking “chapter 12 or 13 of this title,”
5 and inserting “chapter 10 or 12 of this title;” and

6 (2) by striking “under section 1202(a) or
7 1302(a) of this title” and inserting “under section
8 1001(a) or 1202(a) of this title”.

9 (n) DEBTOR’S TRANSACTIONS WITH ATTORNEYS.—
10 Section 329 of title 11, United States Code, is amended—

11 (1) in subsection (b)(1)(B), by striking “chap-
12 ter 11, 12, or 13 of this title” and inserting “chap-
13 ter 10, 11, or 12 of this title”; and

14 (2) by adding at the end the following:

15 “(c) In a case under chapter 10 of this title, no com-
16 pensation shall be allowed for the debtor’s attorney under
17 this title unless—

18 “(1) the agreement between the debtor and the
19 debtor’s attorney providing for compensation—

20 “(A) was made not more than 90 days be-
21 fore the date of the filing of the petition;

22 “(B) specifies the services provided or to
23 be provided by the debtor’s attorney and the at-
24 torney’s related fees and expenses;

1 “(C) provides that the debtor will not be
2 requested to pay or be liable for any amounts
3 other than attorneys’ fees and expenses—

4 “(i) specified in the agreement;

5 “(ii) for any adversary proceeding in
6 which the debtor is a party; or

7 “(iii) for services required by the
8 debtor or the court that the attorney
9 should not have reasonably anticipated at
10 the time of the agreement;

11 “(D) does not provide for the payment of
12 interest or any additional fees based on delay in
13 payment or risk of nonpayment or for costs of
14 collection on installment payments; and

15 “(E) does not include a pre-dispute arbi-
16 tration agreement or a pre-dispute joint-action
17 waiver with respect to any dispute under the
18 agreement;

19 “(2) the attorney has discussed with the debtor
20 the attorney’s fees and expenses under the agree-
21 ment and the consequences of the attorney’s filing
22 the certification required under paragraph (3), and,
23 after full disclosure, the debtor consents to the filing
24 of the certification; and

1 “(3) the attorney files with the court a certifi-
2 cation, in accordance with rule 9011 of the Federal
3 Rules of Bankruptcy Procedure, with respect to the
4 agreement that—

5 “(A) the conditions specified in paragraphs
6 (1) and (2) are satisfied; and

7 “(B) the enforcement of the agreement
8 would not impose an undue hardship on the
9 debtor or the debtor’s dependents.

10 “(d) In a case under chapter 10 of this title, any as-
11 signment, factoring, or transfer of rights or amounts, or
12 of rights or authority to collect any such amounts, due
13 under an agreement between the debtor and the debtor’s
14 attorney is void.

15 “(e) The bankruptcy court shall have exclusive juris-
16 diction over any disputes under an agreement that is sub-
17 ject to this section, whether or not the case has been
18 closed.”.

19 (o) COMPENSATION OF OFFICERS.—

20 (1) IN GENERAL.—Section 330 of title 11,
21 United States Code, is amended—

22 (A) in subsection (a)(4)(B), by striking
23 “In a chapter 12 or chapter 13 case in which
24 the debtor is an individual,” and inserting “In

1 a chapter 10 or 12 case in which the debtor is
2 an individual,”;

3 (B) by redesignating subsections (c) and
4 (d) as subsections (d) and (f), respectively;

5 (C) by striking “(b)(1) There” and insert-
6 ing “(b) There”;

7 (D) by striking “title \$45” and inserting
8 “title \$75”;

9 (E) by striking “(2) The Judicial” and in-
10 sserting “(c) The Judicial”;

11 (F) by striking “(A) shall” and inserting
12 “(1) shall”;

13 (G) by striking “(B) may” and inserting
14 “(2) may”;

15 (H) by striking “paid under paragraph
16 (1).” and inserting “paid under subsection
17 (b).”;

18 (I) in subsection (d), as so redesignated,
19 by striking “in a case under chapter 12 or 13”
20 and inserting “in a case under chapter 10 or
21 12”; and

22 (J) by inserting after subsection (d), as so
23 redesignated, the following:

1 “(e) There shall be paid from the filing fee in a case
2 under chapter 10 of this title \$120 to the trustee serving
3 in such case, after such trustee’s services are rendered.”.

4 (2) CONFORMING AMENDMENT.—Section
5 589a(b)(7) of title 28, United States Code, is
6 amended by striking “section 330(d)” and inserting
7 “section 330(f)”.

8 (p) MEETINGS OF CREDITORS AND EQUITY SECUR-
9 RITY HOLDERS.—Section 341 of title 11, United States
10 Code, is amended—

11 (1) in subsection (c), by striking “chapter 7 or
12 13” and inserting “chapter 10 of this title”;

13 (2) in subsection (d)—

14 (A) in the matter preceding paragraph (1),
15 by striking “chapter 7” and inserting “chapter
16 10”;

17 (B) in paragraph (1), by adding “and” at
18 the end;

19 (C) by striking paragraph (2);

20 (D) by redesignating paragraph (3) as
21 paragraph (2);

22 (E) in paragraph (2), as so redesignated,
23 by striking “; and” and inserting a period; and

24 (F) by striking paragraph (4); and

25 (3) by adding at the end the following:

1 “(f) In a case under chapter 10 of this title—

2 “(1) the meeting of creditors under subsection
3 (a) may be convened electronically and allow remote
4 appearances of all parties;

5 “(2)(A) the debtor shall not be required to ap-
6 pear in person if it would impose an unreasonable
7 burden on the debtor; and

8 “(B) there shall be a rebuttable presumption
9 that in-person attendance at the meeting of creditors
10 under subsection (a) is an unreasonable burden on
11 the debtor if the debtor’s address on the bankruptcy
12 petition is more than 10 miles from the location of
13 the courthouse of the bankruptcy court where the
14 meeting of creditors under subsection (a) would
15 occur; and

16 “(3) the meeting of creditors under subsection
17 (a) shall be scheduled at such times to avoid conflict
18 with the debtor’s employment.”.

19 (q) NOTICE.—Section 342 of title 11, United States
20 Code, is amended—

21 (1) by striking subsections (b) and (d);

22 (2) by redesignating subsections (c), (e), (f),
23 and (g) as subsections (b), (c), (d), and (e), respec-
24 tively;

1 (3) in subsection (c)(1), as so redesignated, by
2 striking “chapter 7 or 13” and inserting “chapter
3 10”;

4 (4) in subsection (d), as so redesignated—

5 (A) in paragraph (1), by striking “chapters
6 7 or 13” and inserting “chapter 10”; and

7 (B) in paragraph (2)—

8 (i) by striking “chapter 7 or 13” and
9 inserting “chapter 10”; and

10 (ii) by striking “subsection (e)” and
11 inserting “subsection (c)”; and

12 (5) in subsection (e)(2), as so redesignated, by
13 striking “section 362(k)” and inserting “section
14 362(j)”.

15 (r) UNCLAIMED PROPERTY.—Section 347(a) of title
16 11, United States Code, is amended by striking “under
17 section” and all that follows through “as the case may
18 be” and inserting “under section 726, 1025, 1194, or
19 1226 of this title under chapter 7, chapter 10, subchapter
20 V of chapter 11, or chapter 12 of this title, as the case
21 may be”.

22 (s) EFFECT OF CONVERSION.—Section 348 of title
23 11, United States Code, is amended—

24 (1) in subsection (b)—

1 (A) by striking “sections 701(a),
2 727(a)(10), 727(b), 1102(a), 1110(a)(1),
3 1121(b), 1121(c), 1141(d)(4), 1201(a), 1221,
4 1228(a), 1301(a), and 1305(a) of this title”
5 and inserting “sections 701(a), 1009(a),
6 1025(b), 1027(a), 1027(b), 1031(c), 1102(a),
7 1110(a)(1), 1121(b), 1121(c), 1141(d)(4),
8 1201(a), 1221, and 1228(a) of this title”; and

9 (B) by striking “under section 706, 1112,
10 1208, or 1307 of this title” and inserting
11 “under section 706, 1005, 1053(c), 1112, or
12 1208 of this title”;

13 (2) in subsection (c), by striking “under section
14 706, 1112, 1208, or 1307 of this title” and inserting
15 “under section 706, 1005, 1053(c), 1112, or 1208”
16 of this title;

17 (3) in subsection (d), by striking “under section
18 1112, 1208, or 1307 of this title” and inserting
19 “under section 1005, 1053(c), 1112, or 1208 of this
20 title”;

21 (4) in subsection (e), by striking “under section
22 706, 1112, 1208, or 1307 of this title” and inserting
23 “under section 706, 1005, 1053(c), 1112, or 1208”
24 of this title; and

25 (5) by striking subsection (f).

1 (t) EFFECT OF DISMISSAL.—Section 349 of title 11,
2 United States Code, is amended—

3 (1) by striking subsection (a) and inserting the
4 following:

5 “(a) The dismissal of a case shall not—

6 “(1) bar the discharge, in a later case, of debts
7 that were dischargeable in the case dismissed, except
8 as provided in section 523, 1031, 1141, or 1228; or

9 “(2) prejudice the debtor with regard to the fil-
10 ing of a subsequent petition, except as provided in
11 subsection (g) or (h) of section 109.”; and

12 (2) in subsection (b)(1)(B), by striking “or
13 724(a) of this title,” and inserting “724(a), or 1041
14 of this title,”.

15 (u) AUTOMATIC STAY.—

16 (1) IN GENERAL.—Section 362 of title 11,
17 United States Code, is amended—

18 (A) in subsection (a)—

19 (i) in paragraph (3), by inserting “or
20 to retain” after “to exercise control over”;

21 (ii) in paragraph (7), by striking
22 “and” at the end;

23 (iii) in paragraph (8), by striking the
24 period at the end and inserting “; and”;

25 and

1 (iv) by adding at the end the fol-
2 lowing:

3 “(9) in a case under chapter 10 of this title, at
4 any time before the earliest of a conversion or dis-
5 missal under section 1005 of this title, a dismissal
6 under section 1053(c) of this title, or a discharge
7 under section 1031 of this title, any act to alter,
8 refuse, or discontinue utility service provided to the
9 debtor under an agreement entered into before the
10 entry of the order for relief.”;

11 (B) in subsection (b)—

12 (i) by striking paragraph (22);

13 (ii) by redesignating paragraphs (23),
14 (24), (25), (26), (27), and (28) as para-
15 graphs (22), (23), (24), (25), (26), and
16 (27), respectively;

17 (iii) in paragraph (22), as so redesign-
18 nated, by striking “subsection (m)” and in-
19 serting “subsection (l)”;

20 (iv) in paragraph (26), as so redesign-
21 nated, by striking “and” at the end;

22 (v) in paragraph (27), as so redesign-
23 nated, by striking the period and inserting
24 “; and”; and

1 (vi) by striking the matter following
2 paragraph (27), as so redesignated and in-
3 serting the following:

4 “(28) under subsection (a), over retention of
5 property of the estate subject to a potential loss of
6 value due to accident, casualty, or theft unless the
7 party entitled to possession provides proof of insur-
8 ance or other security sufficient to protect the cred-
9 itor against such loss of value.”;

10 (C) in subsection (c)—

11 (i) in the matter preceding paragraph
12 (1), by striking “(f), and (h)” and insert-
13 ing “and (f)”;

14 (ii) by striking paragraphs (2) and (3)
15 and inserting the following:

16 “(2) in a case under chapter 7, 9, 11, or 12,
17 the stay of any other act under subsection (a) of this
18 section continues until the earliest of—

19 “(A) the time the case is closed;

20 “(B) the time the case is dismissed; or

21 “(C) if the case is a case under chapter 9,
22 11, or 12, the time a discharge is granted or
23 denied;

1 “(3) in a case under chapter 10, the stay of any
2 other act under subsection (a) of this section con-
3 tinues until the earliest of—

4 “(A) the time the case is closed;

5 “(B) the time the case is dismissed; or

6 “(C) the time specified in section 1021(e)
7 has expired without the debtor having filed a
8 plan; and”;

9 (iii) in subparagraph (A)(i) of para-
10 graph (4), by striking “dismissed, other
11 than a case refiled under a chapter other
12 than chapter 7 after dismissal under sec-
13 tion 707(b),” and inserting “dismissed,”;

14 (D) in subsection (e)(2), by striking “chap-
15 ter 7, 11, or 13” and inserting “chapter 10 or
16 11”;

17 (E) by striking subsections (h) and (i);

18 (F) by redesignating subsections (j)
19 through (o) as subsections (h) through (m) re-
20 spectively;

21 (G) in subsection (i), as so redesignated—

22 (i) by striking “(1) Except as pro-
23 vided in paragraph (2), an” and inserting
24 “An”; and

25 (ii) by striking paragraph (2); and

1 (H) by adding at the end the following:

2 “(n) Any agreement of the debtor entered into before
3 the filing of the petition to waive the provisions of this
4 section or any other provision of this title is void.”.

5 (2) CONFORMING AMENDMENTS.—

6 (A) Section 1519(f) of title 11, United
7 States Code, is amended by striking “section
8 362(o)” and inserting “section 362(m)”.

9 (B) Section 1521(f) of title 11, United
10 States Code, is amended by striking “section
11 362(o)” and inserting “section 362(m)”.

12 (v) USE, SALE, OR LEASE OF PROPERTY.—Section
13 363 of title 11, United States Code, is amended—

14 (1) in subsection (e)(1) by striking “section
15 721, 1108, 1183, 1184, 1203, 1204 or 1304 of this
16 title” and inserting “section 721, 1003, 1108, 1183,
17 1184, 1203, or 1204 of this title”; and

18 (2) in subsection (l) by striking “under chapter
19 11, 12, or 13 of this title” and inserting “under
20 chapter 10, 11, or 12 of this title”.

21 (w) OBTAINING CREDIT.—Section 364(a) of title 11,
22 United States Code, is amended by striking “section 721,
23 1108, 1183, 1184, 1203, 1204, or 1304 of this title,” and
24 inserting “section 721, 1108, 1183, 1183, 1203, or 1204
25 of this title.”.

1 (x) EXECUTORY CONTRACTS AND UNEXPIRED
2 LEASES.—Section 365 of title 11, United States Code, is
3 amended—

4 (1) in subsection (d)(2), by striking “under
5 chapter 9, 11, 12, or 13 of this title” and inserting
6 “under chapter 9, 10, 11, or 12 of this title”;

7 (2) in subsection (g)—

8 (A) in paragraph (1), by striking “under
9 chapter 9, 11, 12, or 13 of this title,” and in-
10 sserting “under chapter 9, 10, 11, or 12 of this
11 title,”; and

12 (B) in paragraph (2)—

13 (i) in the matter preceding subpara-
14 graph (A), by striking “under chapter 9,
15 11, 12, or 13 of this title” and inserting
16 “under chapter 9, 10, 11, or 12 of this
17 title”;

18 (ii) in subparagraph (A) by striking
19 “under section 1112, 1208 or 1307 of this
20 title,” and inserting “under section 1005,
21 1053(e), 1112, or 1208 of this title,”; and

22 (iii) in subparagraph (B), in the mat-
23 ter preceding clause (i), by striking “under
24 section 1112, 1208 or 1307 of this title”

1 and inserting “under section 1005,
2 1053(c), 1112, or 1208 of this title”; and

3 (3) by striking subsection (p) and inserting the
4 following:

5 “(p) Notwithstanding any provision in a lease or ap-
6 plicable nonbankruptcy law, the following shall apply:

7 “(1)(A) If the debtor is an individual, the trust-
8 ee shall be deemed to have abandoned any unexpired
9 lease of residential real property that is the debtor’s
10 principal residence of which the debtor or the debt-
11 or’s spouse or dependents is a tenant.

12 “(B)(i) Notwithstanding any other provision of
13 this section, the debtor may assume such a lease—

14 “(I) without curing any monetary defaults
15 under the lease that aggregate no more than
16 the amount described in clause (iii); and

17 “(II) without adequate assurance of future
18 performance.

19 “(ii) If there are monetary defaults under the
20 lease that aggregate to more than the amount de-
21 scribed in clause (iii), the debtor may not assume
22 such lease unless all monetary defaults in excess of
23 the amount described in clause (iii) are cured.

1 “(iii) The amount described in this clause is the
2 amount equal to 6 times the monthly rent to be paid
3 by the debtor under the lease.

4 “(C) Any monetary defaults on such a lease left
5 uncured shall become claims against the estate in
6 accordance with section 365(g).

7 “(D)(i) All non-monetary defaults on such a
8 lease shall be deemed waived, except those relating
9 to health or safety, which shall require permission of
10 the court to waive or modify if the lessor objects to
11 their waiver or modification.

12 “(ii) Any pecuniary loss in accordance with
13 such a non-monetary default shall constitute a claim
14 against the estate in accordance with subsection
15 365(g).

16 “(E) Such a lease not assumed by the debtor,
17 including satisfaction or adequate assurance of any
18 cure required within 60 days of the order of relief,
19 under this paragraph shall return to the bankruptcy
20 estate.

21 “(2)(A) If the debtor is an individual and if an
22 unexpired lease of property not subject to paragraph
23 (1) is rejected or not timely assumed by the trustee
24 under subsection (d), the debtor may move to as-
25 sume the lease.

1 “(B) The court—

2 “(i) may approve such an assumption if
3 the debtor cures any monetary default within
4 90 days after the date of assumption; and

5 “(ii) shall withhold any discharge of the
6 debtor until such cure is made.

7 “(C) The debtor’s interest in the lease or prop-
8 erty that is the subject of the lease ceases to be
9 property of the estate if—

10 “(i) the debtor fails to move to assume the
11 lease within 14 days after the lease is rejected
12 or not timely assumed by the trustee; or

13 “(ii) the debtor’s motion to assume the
14 lease is denied.

15 “(D) All non-monetary defaults on such a lease
16 shall be deemed waived except those relating to
17 health or safety, which shall require permission of
18 the court upon motion to waive or modify if the les-
19 sor objects to their waiver or modification.

20 “(3) In this subsection, the term ‘lease’ does
21 not include—

22 “(A) an agreement that is a security inter-
23 est under applicable nonbankruptcy law, irre-
24 spective of its form; or

1 “(B) a lease the term of which extends be-
2 yond the remaining economic life of the prop-
3 erty.”.

4 (y) UTILITY SERVICE.—Section 366(b) of title 11,
5 United States Code, is amended by striking “Such utility”
6 and inserting “In a case other than under chapter 10 of
7 this title, such utility”.

8 (z) FILING OF PROOFS OF CLAIMS OR INTERESTS.—
9 Section 501 of title 11, United States Code, is amended
10 by adding at the end the following:

11 “(f)(1) Any creditor that files a claim, and any attor-
12 ney representing such creditor, shall at the time of filing
13 certify, under penalty of perjury, whether the creditor has
14 a beneficial interest in the claim and to what extent.

15 “(2) If the creditor does not hold the entire beneficial
16 interest in the claim, the creditor shall disclose in the cer-
17 tification under paragraph (1) the identity of the party
18 or parties holding the beneficial interest.

19 “(3) The creditor shall promptly notify the court, the
20 trustee, the United States Trustee, and the debtor of any
21 updates necessary to maintain the accuracy of the certifi-
22 cation under paragraph (1).

23 “(g) The filing of a claim under this title shall not
24 revive any period of limitations under applicable nonbank-
25 ruptcy law.”.

1 (aa) ALLOWANCE OF CLAIMS OR INTERESTS.—

2 (1) IN GENERAL.—Section 502 of title 11,
3 United States Code, is amended—

4 (A) in subsection (b)—

5 (i) in the matter preceding paragraph
6 (1), by striking “subsections (e)(2), (f),
7 (g), (h) and (i)” and inserting “subsections
8 (c), (f)(2), (g), (h), (i) and (j)”;

9 (ii) in paragraph (2), by striking “in-
10 terest;” and inserting “interest, including
11 under a prepayment penalty, yield mainte-
12 nance clause, make-whole clause, or similar
13 contractual provision;”;

14 (iii) by redesignating paragraphs (3)
15 through (9) as paragraphs (5) through
16 (11), respectively;

17 (iv) by inserting after paragraph (2)
18 the following:

19 “(3) such claim is for attorneys’ fees incurred
20 after the entry of the order for relief under this title,
21 except to the extent permitted under section 503 or
22 506 of this title;

23 “(4) notwithstanding section 506(b), such claim
24 is for a fee incurred under section 1930(b) of title
25 28;”;

1 (v) in paragraph (10), as so redesign-
2 nated, by striking “or” at the end; and

3 (vi) in paragraph (11), as so redesign-
4 nated, by striking “may provide,” and all
5 that follows and inserting “may provide.”;

6 (B) by striking subsection (k);

7 (C) by redesignating subsections (d), (e),
8 (f), (g), (h), (i), and (j) as subsections (e), (f),
9 (g), (h), (i), (j), and (k), respectively;

10 (D) by inserting after subsection (c) the
11 following:

12 “(d) The court shall, after notice and a hearing, dis-
13 allow any claim if—

14 “(1) the creditor, an affiliate of the creditor, an
15 agent of the creditor, a direct or indirect transferor
16 of the claim to the creditor, or an affiliate of such
17 transferor engaged in inequitable conduct (which
18 shall include a violation of Federal or State law)
19 that harmed the debtor, whether or not the inequi-
20 table conduct was connected with the claim or an ob-
21 ligation that gave rise to the claim; or

22 “(2) the creditor, an affiliate of the creditor, an
23 agent of the creditor, a direct or indirect transferor
24 of the claim to the creditor, or an affiliate of such
25 transferor violated a Federal consumer financial law,

1 as defined in section 1002 of the Consumer Finan-
2 cial Protection Act of 2010 (12 U.S.C. 5481), in
3 connection with the claim or an obligation that gave
4 rise to the claim.”;

5 (E) in subsection (e), as so redesignated,
6 by striking “or 724(a) of this title” and insert-
7 ing “724(a) or 1041 of this title”;

8 (F) in subsection (f), as so redesignated, in
9 paragraph (2), by striking “or disallowed under
10 subsection (d)” and inserting “or disallowed
11 under subsection (d) or (e)”;

12 (G) in subsection (g), as so redesignated,
13 by striking “or disallowed under subsection (d)
14 or (e)” and inserting “or disallowed under sub-
15 section (d), (e), or (f)”;

16 (H) in subsection (h), as so redesignated—

17 (i) in paragraph (1)—

18 (I) by striking “chapter 9, 11,
19 12, or 13” and inserting “chapter 9,
20 10, 11, or 12”; and

21 (II) by striking “or disallowed
22 under subsection (d) or (e)” and in-
23 serting “or disallowed under sub-
24 section (d), (e), or (f)”;

1 (ii) in paragraph (2), by striking “or
2 disallowed under subsection (d) or (e)” and
3 inserting “or disallowed under subsection
4 (d), (e), or (f)”;

5 (I) in subsection (i), as so redesignated, by
6 striking “or disallowed under subsection (d) or
7 (e)” and inserting “or disallowed under sub-
8 section (d), (e), or (f)”;

9 (J) in subsection (j), as so redesignated, by
10 striking “or disallowed under subsection (d) or
11 (e)” and inserting “or disallowed under sub-
12 section (d), (e), or (f)”;

13 (K) by adding at the end the following:

14 “(l)(1)(A) If a claim that is disallowed under sub-
15 section (b) of this section was filed in bad faith, the court
16 shall grant judgment against the creditor and in favor of
17 the estate for—

18 “(i) costs and reasonable attorneys’ fees; and

19 “(ii) punitive damages, as are necessary to
20 deter future bad faith claim filing by the creditor.

21 “(B) A claim filed in bad faith includes a claim that
22 is filed without an actual, reasonable, good faith belief that
23 the debt on which it is based is within the applicable statu-
24 tory limitations period.

1 “(C) Not more than 50 percent of the total amount
2 of any punitive damages awarded to the estate under sub-
3 paragraph (A) shall be reserved for the trustee, debtor,
4 or both and shall be exempt from the property of the es-
5 tate, notwithstanding section 522.

6 “(2) If a claim is disallowed under subsection (d), the
7 court shall grant judgment against the creditor and in
8 favor of the estate for costs and reasonable attorneys’ fees.

9 “(3) The estate may offset the liability of a creditor
10 under this subsection against any distribution to be made
11 on the claim of the creditor.”.

12 (2) CONFORMING AMENDMENTS.—

13 (A) Section 101 of title 11, United States
14 Code, is amended in paragraph (12)(B), as re-
15 designated by this section, by striking “502(f),
16 502(g), 502(h) or 502(i)” and inserting “sub-
17 section (g), (h), (i), or (j) of section 502”.

18 (B) Section 501(d) of title 11, United
19 States Code, is amended by striking “in section
20 502(e)(2), 502(f), 502(g), 502(h) or 502(i)”
21 and inserting “in subsection (f)(2), (g), (h), (i),
22 or (j) of section 502”.

23 (C) Section 503(b) of title 11, United
24 States Code, is amended—

1 (i) in the matter preceding paragraph
2 (1), by striking “section 502(f)” and in-
3 serting “section 502(g)”; and

4 (ii) in paragraph (7), by striking “sec-
5 tion 502(b)(6)” and inserting “section
6 502(b)(8)”.

7 (D) Section 506(d)(1) of title 11, United
8 States Code, is amended by striking “section
9 502(b)(5) or 502(e)” and inserting “subsection
10 (b)(7) or (f) of section 502”.

11 (E) Section 507(a)(3) of title 11, United
12 States Code, is amended by striking “section
13 502(f)” and inserting “section 502(g)”.

14 (F) Section 509(b)(1)(B) of title 11,
15 United States Code, is amended by striking
16 “section 502(e)” and inserting “section
17 502(f)”.

18 (G) Section 544(b)(1) of title 11, United
19 States Code, is amended by striking “section
20 502(e)” and inserting “section 502(f)”.

21 (H) Section 929 of title 11, United States
22 Code, is amended by striking “section
23 502(b)(6)” and inserting “section 502(b)(8)”.

1 (I) Section 1114(j) of title 11, United
2 States Code, is amended by striking “section
3 502(b)(7)” and inserting “section 502(b)(9)”.

4 (J) Section 1141(d)(1)(A) of title 11,
5 United States Code, is amended by striking
6 “section 502(g), 502(h), or 502(i)” and insert-
7 ing “subsection (h), (i), or (j) of section 502”.

8 (K) Section 1232(d)(4) of title 11, United
9 States Code, is amended by striking “or dis-
10 allowed under subsection (d) or (e) of section
11 502” and inserting “or disallowed under sub-
12 section (d), (e), or (f) of section 502”.

13 (L) Section 311 of PROMESA (48 U.S.C.
14 2171) is amended by striking “502(b)(6)” and
15 inserting “502(b)(8)”.

16 (bb) DETERMINATION OF SECURED STATUS.—Sec-
17 tion 506 of title 11, United States Code, is amended—

18 (1) in subsection (a), by striking paragraph (2)
19 and inserting the following:

20 “(2) In a case under chapter 10 of this title,
21 any interest of a creditor in property of the debtor
22 or the estate shall be determined by its realizable
23 value as of the date of the filing of the petition.”;

24 (2) in subsection (b), by striking “interest on
25 such claim,” and all that follows and inserting “in-

1 terest on such claim and any reasonable fees, costs,
2 or charges provided for under the agreement or ap-
3 plicable nonbankruptcy law under which such claim
4 arose, with post-petition interest credited to the al-
5 lowed secured claim before other fees, costs, or
6 charges.”; and

7 (3) in subsection (d), in the matter preceding
8 paragraph (1) by striking “allowed secured claim,”
9 and inserting “allowed secured claim pursuant to
10 subsection (a),”.

11 (cc) PRIORITIES.—

12 (1) IN GENERAL.—Section 507(a) of title 11,
13 United States Code, is amended—

14 (A) in paragraph (1)—

15 (i) by striking subparagraph (B);

16 (ii) by redesignating subparagraph
17 (C) as subparagraph (B); and

18 (iii) in subparagraph (B), as so reded-
19 ignated—

20 (I) by striking “701, 702, 703,
21 1104, 1202, or 1302” and inserting
22 “1001, 1104, or 1202”; and

23 (II) by striking “subparagraphs
24 (A) and (B)” and inserting “subpara-
25 graph (A)”; and

1 (B) in paragraph (7), by inserting “includ-
2 ing the purchase of a store gift card,” after
3 “purchase of services,”.

4 (2) CONFORMING AMENDMENTS.—

5 (A) Section 724(b)(2) of title 11, United
6 States Code, is amended by striking “section
7 507(a)(1)(C)” and inserting “section
8 507(a)(1)(B)”.

9 (B) Section 1222(a)(4) of title 11, United
10 States Code, is amended—

11 (i) in paragraph (3), by adding “and”
12 at the end;

13 (ii) by striking paragraph (4); and

14 (iii) by redesignating paragraph (5) as
15 paragraph (4).

16 (dd) RATE OF INTEREST ON TAX CLAIMS.—Section
17 511 of title 11, United States Code, is amended by adding
18 at the end the following:

19 “(c) This section shall not apply in a case under
20 chapter 10 of this title.”.

21 (ee) DEBTOR’S DUTIES.—Section 521, of title 11,
22 United States Code, is amended by striking subsections
23 (a) through (j) and inserting the following:

24 “(a) The debtor shall—

25 “(1) file—

1 “(A) a list of creditors; and

2 “(B) unless the court orders otherwise—

3 “(i) a schedule of assets and liabil-
4 ities;

5 “(ii) a schedule of current income and
6 current expenditures;

7 “(iii) a statement of the debtor’s fi-
8 nancial affairs;

9 “(iv) a statement disclosing any rea-
10 sonably anticipated increase in income or
11 expenditures over the 12-month period fol-
12 lowing the date of the filing of the petition;
13 and

14 “(v) if the debtor’s annual income cre-
15 ates or increases the minimum payment
16 obligation as described in clause (ii) or (iii)
17 of section 101(54)(B) of this title—

18 “(I) a statement of the debtor’s
19 annual income; and

20 “(II) the calculations that deter-
21 mine the amount by which the debt-
22 or’s annual income creates or in-
23 creases the minimum payment obliga-
24 tion;

1 “(2) if a trustee is serving in the case, cooper-
2 ate with the trustee as necessary to enable the trust-
3 ee to perform the trustee’s duties under this title;

4 “(3) appear at the hearing required under sec-
5 tion 524(d) of this title; and

6 “(4) unless a trustee is serving in the case, con-
7 tinue to perform the obligations required of the ad-
8 ministrator (as defined in section 3 of the Employee
9 Retirement Income Security Act of 1974) of an em-
10 ployee benefit plan if at the time of the commence-
11 ment of the case the debtor (or any entity des-
12 ignated by the debtor) served as such administrator.

13 “(b) In a case under chapter 10 of this title:

14 “(1) Not later than 7 days before the date first
15 set for the first meeting of creditors, the debtor shall
16 provide to the trustee documentation that establishes
17 the debtor’s income in one or more of the following
18 forms:

19 “(A) One or more payment advices, issued
20 within 60 days before the date of the filing of
21 the petition, showing the debtor’s year-to-date
22 income.

23 “(B) A copy of the Federal income tax re-
24 turn required under applicable law (or at the
25 election of the debtor, a transcript of such re-

1 turn) for the most recent tax year ending im-
2 mediately before the commencement of the case
3 and for which a Federal income tax return was
4 filed.

5 “(C) A W-2 form issued by each employer
6 for the tax year preceding the year the petition
7 is filed.

8 “(D) Other evidence of payment received
9 within 60 days before the date of the filing of
10 the petition that establishes the debtor’s in-
11 come.

12 “(2) If the debtor’s annual income creates or
13 increases the minimum payment obligation as de-
14 scribed in clause (ii) or (iii) of section 101(54)(B)
15 of this title, the debtor shall, to the extent not al-
16 ready provided under paragraph (1), provide to the
17 trustee as documentation of income—

18 “(A) a copy of the Federal income tax re-
19 turn required under applicable law (or at the
20 election of the debtor, a transcript of such re-
21 turn) for the most recent tax year ending im-
22 mediately before the commencement of the case
23 and for which a Federal income tax return was
24 required and filed; and

1 “(B) copies of all payment advices or other
2 evidence of payment received within 60 days be-
3 fore the date of the filing of the petition, by the
4 debtor from any employer of the debtor.

5 “(3) Notwithstanding paragraphs (1) and (2),
6 the debtor shall provide additional documentation of
7 income if requested by the trustee or the United
8 States trustee upon reasonable grounds to believe
9 the debtor’s actual income is greater than disclosed
10 and would create or increase the minimum payment
11 obligation as described in clause (ii) or (iii) of sec-
12 tion 101(54)(B) of this title.

13 “(c) If the schedule of current income required by
14 subsection (a)(1)(B)(ii) discloses income that is not more
15 than 80 percent of the amount of annual income that
16 would trigger the documentation obligations in subsection
17 (b)(2) and in the absence of actual knowledge of facts to
18 the contrary, an attorney for the debtor or a bankruptcy
19 petition preparer for the debtor under section 110 of this
20 title may rely on the schedule of current income to deter-
21 mine that—

22 “(1) the documentation requirements of sub-
23 section (b)(2) do not apply; and

1 “(2) the debtor is not required to file the state-
2 ment of annual income required by subsection
3 (a)(1)(B)(v).

4 “(d) In a case under chapter 7 or 11:

5 “(1) The debtor shall provide—

6 “(A) not later than 7 days before the date
7 first set for the first meeting of creditors, to the
8 trustee a copy of the Federal income tax return
9 required under applicable law (or at the election
10 of the debtor, a transcript of such return) for
11 the most recent tax year ending immediately be-
12 fore the commencement of the case and for
13 which a Federal income tax return was filed;
14 and

15 “(B) at the same time the debtor complies
16 with subparagraph (A), a copy of such return
17 (or if elected under subparagraph (A), such
18 transcript) to any creditor that timely requests
19 such copy.

20 “(2) If the debtor fails to comply with subpara-
21 graph (A) or (B) of paragraph (1), the court shall
22 dismiss the case unless the debtor demonstrates that
23 the failure to so comply is due to circumstances be-
24 yond the debtors’s control.

1 “(3) If a creditor requests a copy of such tax
2 return or such transcript and if the debtor fails to
3 provide a copy of such tax return or such transcript
4 to such creditor at the time the debtor provides such
5 tax return or such transcript to the trustee, the
6 court shall dismiss the case unless the debtor dem-
7 onstrates that the failure to provide a copy of such
8 tax return or such transcript is due to circumstances
9 beyond the debtor’s control.

10 “(e) Failure by the debtor to disclose a cause of ac-
11 tion in a schedule required to be filed under this section
12 shall not alone be grounds to dismiss a lawsuit brought
13 to enforce the cause of action.

14 “(f) If requested by the United States trustee or by
15 the trustee, the debtor shall provide—

16 “(1) a document that establishes the identity of
17 the debtor, including a driver’s license, passport, or
18 other document that contains a photograph of the
19 debtor; or

20 “(2) such other personal identifying information
21 relating to the debtor that establishes the identity of
22 the debtor.

23 “(g) At the request of the court, the trustee, or the
24 United States trustee, a debtor under chapter 10 or 11
25 who is an individual shall file with the court—

1 “(1) at the same time filed with the taxing au-
2 thority, a copy of each Federal income tax return re-
3 quired under applicable law (or at the election of the
4 debtor, a transcript of such tax return) with respect
5 to each tax year of the debtor ending while the case
6 is pending under such chapter;

7 “(2) at the same time filed with the taxing au-
8 thority, each Federal income tax return required
9 under applicable law (or at the election of the debt-
10 or, a transcript of such tax return) that had not
11 been filed with such authority as of the date of the
12 commencement of the case and that was subse-
13 quently filed for any tax year of the debtor ending
14 in the 3-year period ending on the date of the com-
15 mencement of the case; and

16 “(3) a copy of each amendment to any Federal
17 income tax return or transcript filed with the court
18 under paragraph (1) or (2).

19 “(h)(1) Notwithstanding any other provision of this
20 title, if the debtor fails to file a tax return that becomes
21 due after the commencement of the case or to properly
22 obtain an extension of the due date for filing such return,
23 the taxing authority may request that the court enter an
24 order converting or dismissing the case.

1 “(2) If the debtor does not file the required return
2 or obtain the extension referred to in paragraph (1) within
3 90 days after a request is filed by the taxing authority
4 under that paragraph, the court shall convert or dismiss
5 the case, whichever is in the best interests of creditors and
6 the estate.”.

7 (ff) EXEMPTIONS.—

8 (1) IN GENERAL.—Section 522 of title 11,
9 United States Code, is amended by striking sub-
10 sections (a) through (q) and inserting the following:

11 “(a) In this section—

12 “(1) the term ‘conforming loan limit’ means
13 that applicable limitation for the debtor’s county of
14 residence governing the maximum original principal
15 obligation for a mortgage secured by a single-family
16 residence, as determined and adjusted annually
17 under section 302(b)(2) of the Federal National
18 Mortgage Association Charter Act (12 U.S.C.
19 1717(b)(2)) and section 305(a)(2) of the Federal
20 Home Loan Mortgage Corporation Act (12 U.S.C.
21 1454(a)(2));

22 “(2) the term ‘dependent’ includes spouse,
23 whether or not actually dependent; and

24 “(3) the term ‘value’ means value—

1 “(A) as of the date of the filing of the peti-
2 tion; or

3 “(B) with respect to property that becomes
4 property of the estate after such date, as of the
5 date such property becomes property of the es-
6 tate.

7 “(b)(1) Notwithstanding section 541 of this title, an
8 individual debtor may elect to exempt from property of
9 the estate either the property listed in paragraph (2) or,
10 in the alternative, the property listed in paragraph (3).

11 “(2)(A) The property listed in this paragraph is the
12 following:

13 “(i) The debtor’s interest in the debtor’s prin-
14 cipal residence, not to exceed—

15 “(I) 75 percent of the conforming loan
16 limit, if the debtor is age 65 or older on the
17 date of the petition not to exceed; and

18 “(II) 50 percent of the conforming loan
19 limit in any other case.

20 “(ii) The debtor’s aggregate interest, unlimited
21 in amount except as provided in subparagraph (B),
22 in the following:

23 “(I) Professionally prescribed health aids
24 for the debtor or a dependent of the debtor.

1 “(II) The debtor’s right to receive, or
2 property that is traceable to—

3 “(aa) a social security benefit, rail-
4 road retirement benefit, government pen-
5 sion or retirement benefit, unemployment
6 compensation, or a local public assistance
7 benefit;

8 “(bb) a veterans’ benefit;

9 “(cc) a disability, illness, or unemploy-
10 ment benefit;

11 “(dd) alimony, support, or separate
12 maintenance;

13 “(ee) a payment under a stock bonus,
14 pension, profit sharing, annuity, or similar
15 plan or contract on account of illness, dis-
16 ability, death, age, or length of service, un-
17 less—

18 “(AA) such plan or contract was
19 established by or under the auspices
20 of an insider that employed the debtor
21 at the time the debtor’s rights under
22 such plan or contract arose;

23 “(BB) such payment is on ac-
24 count of age or length of service; and

1 “(CC) such plan or contract does
2 not qualify under section 401(a),
3 403(a), 403(b), or 408 of the Internal
4 Revenue Code of 1986;

5 “(ff) an award under a crime victim’s
6 reparation law;

7 “(gg) a payment on account of the
8 wrongful death of an individual of whom
9 the debtor was a dependent, except to the
10 extent that such payment is for punitive
11 damages;

12 “(hh) a payment under a life insur-
13 ance contract that insured the life of an in-
14 dividual of whom the debtor was a depend-
15 ent on the date of such individual’s death;

16 “(ii) a payment on account of per-
17 sonal bodily injury, pain and suffering, or
18 compensation for actual pecuniary loss, of
19 the debtor or an individual of whom the
20 debtor is a dependent, except to the extent
21 that such payment is for punitive damages;

22 “(jj) a payment in compensation of
23 loss of future earnings of the debtor or an
24 individual of whom the debtor is or was a
25 dependent;

1 “(kk) retirement funds, including a
2 direct transfer of retirement funds from a
3 fund or account that is exempt from tax-
4 ation under section 401, 403, 408, 408A,
5 414, 457, or 501(a) of the Internal Rev-
6 enue Code of 1986, under section
7 401(a)(31) of the Internal Revenue Code
8 of 1986, or otherwise, or a distribution
9 that qualifies as an eligible rollover dis-
10 tribution within the meaning of section
11 402(c) of the Internal Revenue Code of
12 1986 or has been distributed from a fund
13 or account that is exempt from taxation
14 under section 401, 403, 408, 408A, 414,
15 457, or 501(a) of the Internal Revenue
16 Code of 1986 and to the extent allowed by
17 law is deposited in such a fund or account
18 not later than 60 days after the distribu-
19 tion of such amount, to the extent that
20 those funds are or were in a fund or ac-
21 count that is exempt from taxation under
22 section 401, 403, 408, 408A, 414, 457, or
23 501(a) of the Internal Revenue Code of
24 1986; or

1 “(ll) a tax credit for earned income
2 under section 32 of the Internal Revenue
3 Code of 1986.

4 “(iii) The debtor’s interest in any other prop-
5 erty up to \$30,000 in aggregate value.

6 “(B)(i) The court on its own motion, or upon motion
7 by the trustee or United States trustee, may limit the
8 amount property exempt under item (dd), (ee), (hh), (jj),
9 or (kk) of subparagraph (A)(ii)(II) after notice and hear-
10 ing if it determines that such property is manifestly un-
11 necessary for the support of the debtor or the debtor’s de-
12 pendants.

13 “(ii) There shall be a rebuttable presumption that ag-
14 gregate value of property described in any such item in
15 excess of \$1,500,000 is manifestly unnecessary for the
16 support of the debtor or the debtor’s dependents.

17 “(C)(i) If the debtor has a dependent, the debtor may
18 double the exemption amounts under subparagraph
19 (A)(iii) unless the dependent is filing a concurrent petition
20 or has filed a petition within the previous 6 years.

21 “(ii) The debtor may increase the amounts exempt
22 under subparagraph (A)(iii) in accordance with the num-
23 ber of additional dependents not claimed under clause (i)
24 of this subparagraph by—

1 “(I) 25 percent for the first additional depend-
2 ent;

3 “(II) an additional 10 percent for the second
4 additional dependent;

5 “(III) an additional 5 percent for the third ad-
6 ditional dependent; and

7 “(IV) an additional 1 percent for each addi-
8 tional dependent beyond the third.

9 “(iii) If a debtor has been claimed as dependent
10 under this subparagraph on a previous debtor’s petition
11 within the past 6 years, the court may reduce the amount
12 of such debtor’s exemptions under this subparagraph as
13 the equities of the case require. There shall be a rebuttable
14 presumption that an intervening change in family cir-
15 cumstances, such as separation or divorce, shall not re-
16 quire such a reduction.

17 “(iv) If a debtor has a dependent that has been
18 claimed on another debtor’s petition under this subpara-
19 graph within the past 6 years, the court may reduce the
20 amount of the debtor’s exemptions under this subpara-
21 graph as the equities of the case require. There shall be
22 a rebuttable presumption that an intervening change in
23 family circumstances, such as separation or divorce, shall
24 not require such a reduction.

1 “(v) When claiming property as exempt from the es-
2 tate under this subparagraph, the debtor shall indicate on
3 an official form prescribed by the Judicial Conference of
4 the United States in accordance with the Federal Rules
5 of Bankruptcy Procedure whether any of the debtor’s de-
6 pendents have filed for bankruptcy within the previous 6
7 years or whether this information is unknown.

8 “(3)(A) The property listed in this paragraph is the
9 following:

10 “(i) Subject to subparagraphs (B) through (E),
11 any property that is exempt under Federal law,
12 other than paragraph (2) of this subsection, or State
13 or local law that is applicable on the date of the fil-
14 ing of the petition to the place in which the debtor’s
15 domicile has been located for the 730 days imme-
16 diately preceding the date of the filing of the peti-
17 tion or if the debtor’s domicile has not been located
18 in a single State for such 730-day period, the place
19 in which the debtor’s domicile was located for 180
20 days immediately preceding the 730-day period or
21 for a longer portion of such 180-day period than in
22 any other place.

23 “(ii) Any interest in property in which the debt-
24 or had, immediately before the commencement of the
25 case, an interest as a tenant by the entirety or joint

1 tenant to the extent that such interest as a tenant
2 by the entirety or joint tenant is exempt from proc-
3 ess under applicable nonbankruptcy law.

4 “(iii) Retirement funds to the extent that those
5 funds are in a fund or account that is exempt from
6 taxation under section 401, 403, 408, 408A, 414,
7 457, or 501(a) of the Internal Revenue Code of
8 1986.

9 “(B)(i) Notwithstanding any contrary provision of
10 nonbankruptcy law, the exempt amount under this para-
11 graph of any homestead acquired by the debtor within the
12 1-year period immediately preceding the date of the filing
13 of the petition shall be limited to the exempt amount of
14 value of the debtor’s previous principal residence.

15 “(ii) If the value of the debtor’s interest in property
16 claimed as a principal residence under this paragraph ex-
17 ceeds \$1,000,000, clause (i) applies to a principal resi-
18 dence acquired within the 3-year period immediately pre-
19 ceding the date of filing of the petition.

20 “(C) The value of an interest in the debtor’s principal
21 residence shall be reduced to the extent that such value
22 is attributable to any portion of any property that the
23 debtor disposed of in the 10-year period ending on the
24 date of the filing of the petition with the intent to hinder,
25 delay, or defraud a creditor and that the debtor could not

1 exempt, or that portion that the debtor could not exempt
2 under this subsection if on such date the debtor had held
3 the property so disposed of.

4 “(D)(i) Except as provided in clause (ii) of this sub-
5 paragraph and sections 544 and 548, as a result of elect-
6 ing to exempt property under State or local law under sub-
7 paragraph (A)(i), a debtor may not exempt any amount
8 of interest that was acquired by the debtor during the 4-
9 year period preceding the date of the filing of the petition
10 that exceeds in the aggregate \$170,000 in value in the
11 debtor’s principal residence.

12 “(ii)(I) The limitation under clause (i) shall not apply
13 to an exemption claimed under subparagraph (A)(i) by a
14 family farmer for the principal residence of such farmer.

15 “(II) For purposes of clause (i), any amount of such
16 interest does not include any interest transferred from a
17 debtor’s previous principal residence (which was acquired
18 prior to the beginning of such 4-year period) into the debt-
19 or’s current principal residence, if the debtor’s previous
20 and current residences are located in the same State.

21 “(E)(i) A debtor electing to exempt property under
22 this paragraph may not exempt any amount of an interest
23 in the debtor’s principal residence that exceeds in the ag-
24 gregate \$170,000 if—

1 “(I) the court determines, after notice and a
2 hearing, that the debtor has been convicted of a fel-
3 ony (as defined in section 3156 of title 18), which
4 under the circumstances demonstrates that the filing
5 of the case was an abuse of the provisions of this
6 title; or

7 “(II) the debtor owes a debt arising from—

8 “(aa) any violation of the Federal securi-
9 ties laws (as defined in section 3(a)(47) of the
10 Securities Exchange Act of 1934), any State se-
11 curities laws, or any regulation or order issued
12 under Federal securities laws or State securities
13 laws;

14 “(bb) fraud, deceit, or manipulation in a
15 fiduciary capacity or in connection with the
16 purchase or sale of any security registered
17 under section 12 or 15(d) of the Securities Ex-
18 change Act of 1934 or under section 6 of the
19 Securities Act of 1933;

20 “(cc) any civil remedy under section 1964
21 of title 18;

22 “(dd) for debts arising from a violation of
23 section 1979 of the Revised Statutes (42 U.S.C.
24 1983); or

1 “(ee) any criminal act, intentional tort, or
2 willful or reckless misconduct that caused seri-
3 ous physical injury or death to another indi-
4 vidual in the preceding 5 years.

5 “(ii) Clause (i) shall not apply to the extent the
6 amount of an interest in the debtor’s principal residence
7 is reasonably necessary for the support of the debtor or
8 any dependent of the debtor.

9 “(4)(A) For the purposes of item (kk) of paragraph
10 (2)(A)(ii)(II) and clause (iii) of paragraph (3)(A), if the
11 trustee, United States trustee, or court on its own motion
12 objects to retirement funds’ status as exempt, and if those
13 retirement funds are in a retirement fund or account that
14 has received a favorable determination under section 7805
15 of the Internal Revenue Code of 1986 and that determina-
16 tion is in effect as of the date of the filing of the petition
17 in a case under this title, those funds shall be presumed
18 to be exempt from the estate.

19 “(B) If the retirement funds are in a retirement fund
20 or account that has not received a favorable determination
21 under such section 7805, those funds shall be exempt from
22 the estate if the court determines that—

23 “(i) no prior determination to the contrary has
24 been made by a court or the Internal Revenue Serv-
25 ice; and

1 “(ii)(I) the retirement fund is in substantial
2 compliance with the applicable requirements of the
3 Internal Revenue Code of 1986; or

4 “(II) the retirement fund fails to be in substan-
5 tial compliance with the applicable requirements of
6 the Internal Revenue Code of 1986 and the debtor
7 is not materially responsible for that failure.

8 “(5)(A) A direct transfer of retirement funds from
9 1 fund or account that is exempt from taxation under sec-
10 tion 401, 403, 408, 408A, 414, 457, or 501(a) of the In-
11 ternal Revenue Code of 1986, under section 401(a)(31)
12 of the Internal Revenue Code of 1986, or otherwise, shall
13 not cease to qualify for exemption under item (kk) of para-
14 graph (2)(A)(ii)(II) or clause (iii) of paragraph (3)(A) by
15 reason of such direct transfer.

16 “(B)(i) Any distribution that qualifies as an eligible
17 rollover distribution within the meaning of section 402(c)
18 of the Internal Revenue Code of 1986 or that is described
19 in clause (ii) of this subparagraph shall not cease to qual-
20 ify for exemption under item (kk) of paragraph
21 (2)(A)(ii)(II) or clause (iii) of paragraph (3)(A) by reason
22 of such distribution.

23 “(ii) A distribution described in this clause is an
24 amount that—

1 “(I) has been distributed from a fund or ac-
2 count that is exempt from taxation under section
3 401, 403, 408, 408A, 414, 457, or 501(a) of the In-
4 ternal Revenue Code of 1986; and

5 “(II) to the extent allowed by law, is deposited
6 in such a fund or account not later than 60 days
7 after the distribution of such amount.

8 “(6)(A) In joint cases filed under section 302 of this
9 title and individual cases filed under section 301 or 303
10 of this title by or against 2 debtors who are married to
11 each other, and whose estates are ordered to be jointly
12 administered under the Federal Rules of Bankruptcy Pro-
13 cedure, the debtors shall be deemed to elect exempt prop-
14 erty under paragraph (2) unless they both affirmatively
15 elect to exempt property under paragraph (3).

16 “(B) In a joint case, the residence exemptions in sub-
17 paragraphs (2)(A)(i) and (3)(A)(i) shall be allocated one-
18 half each to each debtor.

19 “(C) The nonresidence exemptions in paragraphs
20 (2)(A)(iii) and (3)(A)(iii) shall apply separately with re-
21 spect to each debtor in a joint case.

22 “(c) Unless the case is dismissed, property exempted
23 under this section is not liable during or after the case
24 for any debt of the debtor that arose, or that is determined

1 under section 502 of this title as if such debt had arisen,
2 before the commencement of the case, except—

3 “(1) a debt of a kind specified in paragraph (5)
4 of section 523(a) (in which case, notwithstanding
5 any provision of applicable nonbankruptcy law to the
6 contrary, such property shall be liable for a debt of
7 a kind specified in such paragraph); or

8 “(2) a debt secured by a lien that is—

9 “(A) not avoided under subsection (e) or
10 (g) of this section or under section 544, 545,
11 547, 548, or 549 of this title; and

12 “(B) not void under section 506(d) of this
13 title.

14 “(d)(1) A waiver of an exemption executed in favor
15 of a creditor that holds an unsecured claim against the
16 debtor is unenforceable in a case under this title with re-
17 spect to such claim against property that the debtor may
18 exempt under subsection (b).

19 “(2) A waiver by the debtor of a power under sub-
20 section (e) or (g) to avoid a transfer, under subsection (f)
21 or (h) to exempt property, or under subsection (h) to re-
22 cover property or to preserve a transfer, is unenforceable
23 in a case under this title.

24 “(e)(1) Notwithstanding any waiver of exemptions,
25 the debtor may avoid the fixing of a lien on an interest

1 of the debtor in property to the extent that such lien im-
2 pairs an exemption to which the debtor would have been
3 entitled under subsection (b), if such lien is—

4 “(A) a judicial lien, other than a judicial lien
5 that secures a debt of a kind that is specified in sec-
6 tion 523(a)(5); or

7 “(B) a nonpossessory, non-purchase-money se-
8 curity interest in any personal, family, or household
9 goods or in any implements, professional books, or
10 tools, of the trade of the debtor or the trade of a
11 dependent of the debtor.

12 “(2)(A) For the purposes of this subsection, a lien
13 shall be considered to impair an exemption to the extent
14 that the sum of—

15 “(i) the lien;

16 “(ii) all other liens on the property; and

17 “(iii) the amount of the exemption that the
18 debtor could claim if there were no liens on the
19 property, exceeds the value that the debtor’s interest
20 in the property would have in the absence of any
21 liens.

22 “(B) In the case of a property subject to more than
23 1 lien, a lien that has been avoided shall not be considered
24 in making the calculation under subparagraph (A) with
25 respect to other liens.

1 “(C) This paragraph shall not apply with respect to
2 a judgment arising out of a mortgage foreclosure.

3 “(f) Notwithstanding sections 550 and 551 of this
4 title, the debtor may exempt under subsection (b) of this
5 section property that the trustee recovers under section
6 510(e)(2), 542, 543, 550, 551, or 553 of this title, to the
7 extent that the debtor could have exempted such property
8 under subsection (b) of this section if such property had
9 not been transferred, if—

10 “(1)(A) such transfer was not a voluntary
11 transfer of such property by the debtor; and

12 “(B) the debtor did not conceal such property;
13 or

14 “(2) the debtor could have avoided such trans-
15 fer under subsection (e)(1) of this section.

16 “(g) The debtor may avoid a transfer of property of
17 the debtor or recover a setoff to the extent that the debtor
18 could have exempted such property under subsection (f)(1)
19 if the trustee had avoided such transfer, if—

20 “(1) such transfer is avoidable by the trustee
21 under section 544, 545, 547, 548, 549, or 1041 of
22 this title or recoverable by the trustee under section
23 553 of this title; and

24 “(2) the trustee does not attempt to avoid such
25 transfer.

1 “(h)(1) If the debtor avoids a transfer or recovers a
2 setoff under subsection (e) or (g), the debtor may recover
3 in the manner prescribed by, and subject to the limitations
4 of, section 550 of this title, the same as if the trustee had
5 avoided such transfer, and may exempt any property so
6 recovered under subsection (b).

7 “(2) Notwithstanding section 551 of this title, a
8 transfer avoided under section 544, 545, 547, 548, 549,
9 or 1041 of this title, under subsection (e) or (g) of this
10 section, or property recovered under section 553 of this
11 title, may be preserved for the benefit of the debtor to
12 the extent that the debtor may exempt such property
13 under subsection (f) of this section or paragraph (1) of
14 this subsection.

15 “(i) Notwithstanding subsections (f) and (h), the
16 debtor may exempt a particular kind of property under
17 subsections (f) and (h) only to the extent that the debtor
18 has exempted less property in value of such kind than that
19 to which the debtor is entitled under subsection (b).

20 “(j) Property that the debtor exempts under this sec-
21 tion is not liable for payment of any administrative ex-
22 pense except—

23 “(1) the aliquot share of the costs and expenses
24 of avoiding a transfer of property that the debtor ex-
25 empts under subsection (f), or of recovery of such

1 property, that is attributable to the value of the por-
2 tion of such property exempted in relation to the
3 value of the property recovered; and

4 “(2) any costs and expenses of avoiding a
5 transfer under subsection (e) or (g), or of recovery
6 of property under subsection (h)(1), that the debtor
7 has not paid.

8 “(k)(1)(A) The debtor shall file a list of property that
9 the debtor claims as exempt under subsection (b).

10 “(B) If the debtor does not file such a list, a depend-
11 ent of the debtor may file such a list, or may claim prop-
12 erty as exempt from property of the estate on behalf of
13 the debtor.

14 “(2) Unless a party in interest objects, the property
15 claimed as exempt on such list is exempt.”.

16 (2) CONFORMING AMENDMENT.—

17 (A) Section 349(b)(1)(B) of title 11,
18 United States Code, is amended by striking
19 “522(i)(1),” and inserting “522(h)(i),”.

20 (B) Subsection (e) of section 502 of title
21 11, United States Code, as so redesignated by
22 subsection (aa) of this section, is amended—

23 (i) by striking “section 522(f),
24 522(h),” and inserting “section 522(e),
25 522(g),”; and

1 (ii) by striking “section 522(i)” and
2 inserting “section 522(h)”.

3 (gg) EXCEPTIONS TO DISCHARGE.—Section 523 of
4 title 11, United States Code, is amended—

5 (1) in subsection (a)—

6 (A) in the matter preceding paragraph

7 (1)—

8 (i) by striking “727,”; and

9 (ii) by striking “1328(b)” and insert-
10 ing “1031(a)”;

11 (B) in paragraph (1)(B), in the matter
12 preceding clause (i), by inserting “subject to
13 subsection (f),” before “with respect”;

14 (C) in paragraph (2)—

15 (i) in subparagraph (A), by adding
16 “or” at the end;

17 (ii) in subparagraph (B), by striking
18 “or” at the end; and

19 (iii) by striking subparagraph (C);

20 (D) in paragraph (3)—

21 (i) in subparagraph (A), by striking
22 “(4), or (6)” and inserting “(4), (6), or
23 (7)”;

1 (ii) in subparagraph (B), by striking
2 “(4), or (6)” and inserting “(4), (6), or
3 (7)”;

4 (E) by striking paragraph (7) and insert-
5 ing the following:

6 “(7) to the extent such debt is for a fine, pen-
7 alty, or restitution—

8 “(A) that is incurred in a criminal pro-
9 ceeding and specifically designated as a fine,
10 penalty, or restitution in the sentencing order
11 upon the debtor’s conviction;

12 “(B) that is not—

13 “(i) for the cost of prosecuting the
14 debtor, including the cost of public defense,
15 incarceration, probation, or any diversion
16 program;

17 “(ii) for the cost of operating the
18 criminal justice system or funding govern-
19 ment functions;

20 “(iii) for the cost of collecting such
21 debt; or

22 “(iv) a fee, surcharge, assessment, or
23 interest or collection charge imposed in
24 connection with such debt; and

1 “(C) only if the creditor demonstrates that
2 the debtor has substantial financial resources
3 that permit the debtor to pay all or a signifi-
4 cant portion of the fine, penalty, or restitution
5 for—

6 “(i) a fine, penalty, or restitution with
7 respect to which the petition is filed on or
8 after the date that is 3 years after the
9 later of—

10 “(I) the date of the sentencing
11 order; or

12 “(II) the date on which the debt-
13 or was released from incarceration
14 pursuant to the sentencing order; or

15 “(ii) a debt that is a tax penalty—

16 “(I) relating to a tax of a kind
17 not specified in paragraph (1) of this
18 subsection; or

19 “(II) imposed with respect to a
20 transaction or event that occurred be-
21 fore 3 years before the date of the fil-
22 ing of the petition;”;

23 (F) by striking paragraph (8);

24 (G) by redesignating paragraph (9) as
25 paragraph (8);

1 (H) by inserting after paragraph (8), as so
2 redesignated, the following:

3 “(9) that was or could have been listed or
4 scheduled by the debtor in a prior case concerning
5 the debtor under this title in which the debtor
6 waived a discharge, or was denied a discharge under
7 section 727(a) (2), (3), (4), (5), (6), or (7), as in ef-
8 fect on the day before the date of enactment of the
9 Consumer Bankruptcy Reform Act of 2020, or
10 under section 1031, unless such debt was the subject
11 of a written waiver of discharge and the court has
12 made the determination required by section
13 1031(b)(3)(B);”;

14 (I) by striking paragraphs (14) and (14A);

15 (J) by redesignating paragraph (14B) as
16 paragraph (14);

17 (K) in paragraph (16), by inserting “and
18 the debtor or the trustee possesses, occupies, or
19 uses the property” after “such lot”;

20 (L) by striking paragraph (17);

21 (M) by redesignating paragraph (18) as
22 paragraph (17); and

23 (N) by striking paragraph (19) and insert-
24 ing the following:

1 “(18) for debts arising from a violation of sec-
2 tion 1979 of the Revised Statutes (42 U.S.C.
3 1983).”;

4 (2) in subsection (b), by striking “(a)(1),
5 (a)(3), or (a)(8)” and inserting “(a)(1) or (a)(3)”;

6 (3) in subsection (c), by adding at the end the
7 following:

8 “(3) Notwithstanding subsection (a) of this section,
9 the debtor shall be discharged from a debt of the kind
10 specified in subsection (a)(7) of this section if the sen-
11 tencing order fails to separately list any fees, costs, assess-
12 ments, or surcharges in addition to any fine, penalty, or
13 restitution, and such fees, costs, assessments, or sur-
14 charges are authorized to be assessed under nonbank-
15 ruptcy law for the particular crime committed by the debt-
16 or, unless—

17 “(A) the sentencing order expressly states that
18 no fees, costs, assessments, or surcharges are as-
19 sessed against the debtor in addition to any fine,
20 penalty, or restitution; or

21 “(B) on request of the creditor to whom such
22 debt is owed, and after notice and a hearing, the
23 court determines such debt shall not be discharged
24 under subsection (a)(7) of this section.”; and

25 (4) by adding at the end the following:

1 “(f) For purposes of subparagraph (B) of subsection
2 (a)(1), a return—

3 “(1) must satisfy the requirements of applicable
4 nonbankruptcy law;

5 “(2) must have been filed in a manner per-
6 mitted by applicable nonbankruptcy law regardless
7 of whether it was filed before or after any applicable
8 deadline;

9 “(3) includes a return prepared pursuant to
10 section 6020(a) of the Internal Revenue Code of
11 1986, or similar State or local law, or a written stip-
12 ulation to a judgment entered by a nonbankruptcy
13 tribunal; and

14 “(4) does not include a return made pursuant
15 to section 6020(b) of the Internal Revenue Code of
16 1986, or similar State or local law.”.

17 (hh) EFFECT OF DISCHARGE.—Section 524 of title
18 11, United States Code, is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1), by striking “727,
21 944, 1141, 1192, 1228, or 1328” and inserting
22 “section 727 or 1328, as in effect on the day
23 before the date of enactment of the Consumer
24 Bankruptcy Reform Act of 2020, or section
25 944, 1031, 1141, 1192, or 1228”; and

1 (B) in paragraph (3), by striking “1192,
2 1128(a)(1), or 1328(a)(1)” and inserting
3 “1031, 1192, or 1228(a), or section 1328(a)(1),
4 as in effect on the day before the date of enact-
5 ment of the Consumer Bankruptcy Reform Act
6 of 2020”;

7 (2) in subsection (b)(2)(B), by striking “727”
8 and inserting “1031”;

9 (3) by striking subsection (c) and inserting the
10 following:

11 “(c)(1) A debtor that receives a discharge under sec-
12 tion 1031, or section 727 or 1328, as in effect on the day
13 before the date of enactment of the Consumer Bankruptcy
14 Reform Act of 2020, the trustee, the United States trust-
15 ee, or the bankruptcy administrator may bring a civil ac-
16 tion against a person that knows or should know that the
17 discharge injunction is applicable and has intentionally or
18 negligently commenced or continued any action described
19 in subsection (a).

20 “(2) An action under paragraph (1) shall be com-
21 menced not later than 1 year after the date on which the
22 discharged debtor, the trustee, or the United States trust-
23 ee discovers that a person has commenced or continued
24 any action described in subsection (a).

1 “(3) In an action under paragraph (1), the court may
2 award relief consistent with this title if the court finds
3 that a person has—

4 “(A) engaged in conduct in violation of this sec-
5 tion or of any provision of this title; or

6 “(B) engaged in fraudulent, unfair, deceptive,
7 or abusive conduct with respect to the debtor or the
8 case.

9 “(4) Subject to paragraph (6), in a successful action
10 under paragraph (1)—

11 “(A) the court—

12 “(i) shall award to a discharged debtor in-
13 jured by a violation of subsection (a)—

14 “(I) actual damages, including dam-
15 ages for emotional distress; and

16 “(II) reasonable costs and attorneys’
17 fees; and

18 “(ii) if the trustee or the United States
19 trustee is a prevailing party in the action, shall
20 award to the trustee or the United States trust-
21 ee—

22 “(I) reasonable costs and attorney
23 fees; and

24 “(II) a fee equal to 3 times the
25 amount sought to be collected by the per-

1 son found to be in violation of subsection
2 (a); and

3 “(B) the court may award punitive damages, as
4 appropriate.

5 “(5)(A) If the court awards punitive damages under
6 paragraph (4) in an action brought or joined by the trust-
7 ee, the court may award between 10 percent and 25 per-
8 cent of the punitive damages to the trustee who brought
9 or joined the action.

10 “(B) Any punitive damages under this subsection
11 shall be in addition to the compensation set out in section
12 326.

13 “(6) If the commencement or continuation of any ac-
14 tion described in subsection (a) was taken by a person in
15 the good faith belief that subsection (a) did not apply to
16 the debt, and the action was withdrawn upon discovery
17 that subsection (a) applied to the debt, the recovery shall
18 be limited to actual damages, including damages for emo-
19 tional distress, and reasonable costs and attorneys’ fees.

20 “(7) Nothing in this subsection shall be construed to
21 prejudice the ability to bring a motion for contempt of
22 court for a violation of subsection (a).

23 “(8) An agreement between a holder of a claim and
24 the debtor, the consideration for which, in whole or in

1 part, is based on a debt that is dischargeable in a case
2 under this title is voidable by the debtor.

3 “(9) Any pre-dispute arbitration agreement or pre-
4 dispute joint-action waiver regarding an action under
5 paragraph (1) is voidable by the debtor.”;

6 (4) in subsection (d)—

7 (A) in the matter preceding paragraph (1),
8 by striking “727, 1141, 1192, 1228, or 1328”
9 and inserting “1031, 1141, 1192, or 1228”;
10 and

11 (B) beginning in the matter preceding
12 paragraph (1), by striking “If a discharge has
13 been granted” and all that follows through the
14 end of paragraph (2);

15 (5) in subsection (f), by striking “(c) or”; and

16 (6) by striking subsections (k), (l), and (m) and
17 inserting the following:

18 “(k)(1) Nothing in this section prejudices the ability
19 to bring a motion for contempt of court for a violation
20 of subsection (a) or any cause of action under applicable
21 nonbankruptcy law.

22 “(2) Any pre-dispute arbitration agreement or pre-
23 dispute joint-action waiver purporting to apply to such an
24 action is void.

1 “(l) Upon an entity’s request, and after notice and
2 a hearing, the court shall issue an order declaring whether
3 an action proposed to be taken by the entity would be a
4 violation of the discharge injunction under subsection (a).

5 “(m) The debtor’s failure to assert, raise, or plead
6 the discharge shall not be construed to be a waiver against
7 asserting the discharge.”.

8 (ii) PROTECTION AGAINST DISCRIMINATORY TREAT-
9 MENT.—Section 525 of title 11, United States Code, is
10 amended—

11 (1) in subsection (a), by striking “solely”;

12 (2) in subsection (b), in the matter preceding
13 paragraph (1)—

14 (A) by inserting “deny employment to,”
15 following “may”; and

16 (B) by striking “solely”; and

17 (3) by adding at the end the following:

18 “(d)(1) A person aggrieved by a violation of this sec-
19 tion may enforce this section in the bankruptcy case or
20 by bringing a civil action in an appropriate district court
21 of the United States.

22 “(2) To remedy a violation of this section, a court
23 may—

24 “(A) award damages including back pay;

1 “(B) grant injunctive or other equitable relief;
2 and

3 “(C) award of costs, including attorneys’ fees,
4 to an aggrieved party who prevails.”.

5 (jj) RESTRICTIONS ON DEBT RELIEF AGENCIES.—

6 (1) IN GENERAL.—Section 526 of title 11,
7 United States Code, is repealed.

8 (2) CONFORMING AMENDMENT.—The table of
9 sections for chapter 5 of title 11, United States
10 Code, is amended by striking the item relating to
11 section 526.

12 (kk) DISCLOSURES.—

13 (1) IN GENERAL.—Section 527 of title 11,
14 United States Code, is repealed.

15 (2) CONFORMING AMENDMENT.—The table of
16 sections for chapter 5 of title 11, United States
17 Code, is amended by striking the item relating to
18 section 527.

19 (ll) REQUIREMENTS FOR DEBT RELIEF AGENCIES.—

20 (1) IN GENERAL.—Section 528 of title 11,
21 United States Code, is repealed.

22 (2) CONFORMING AMENDMENT.—The table of
23 sections for chapter 5 of title 11, United States
24 Code, is amended by striking the item relating to
25 section 528.

1 (mm) PROPERTY OF THE ESTATE.—Section 541 of
2 title 11, United States Code, is amended—

3 (1) in subsection (b)(7)—

4 (A) by striking “except that such amount
5 under this subparagraph shall not constitute
6 disposable income as defined in section
7 1325(b)(2); or” each place it appears;

8 (B) in subparagraph (A)(i)(III), by adding
9 “or” at the end; and

10 (C) in subparagraph (B)(i)(III), by adding
11 “or” at the end;

12 (2) in subsection (c)(2), by striking the period
13 at the end and inserting “, except to the extent nec-
14 essary to satisfy claims entitled to priority under
15 section 507(a)(1).”; and

16 (3) by adding at the end the following:

17 “(g) Notwithstanding any contrary provision of non-
18 bankruptcy law, a pre-dispute arbitration agreement or
19 pre-dispute joint-action waiver entered into by the debtor
20 shall not be enforceable against the bankruptcy estate or
21 the debtor for matters arising in, arising under, or related
22 to a case under this title.”.

23 (nn) TURNOVER OF PROPERTY TO ESTATE.—

24 (1) IN GENERAL.—Section 542 of title 11,
25 United States Code, is amended—

1 (A) in subsection (a)—

2 (i) by striking “subsection (c) or (d)”
3 and inserting “subsection (d), (e), or (f)”;
4 and

5 (ii) by striking “shall deliver to the
6 trustee” and inserting “shall, without any
7 condition or further action by the trustee,
8 the debtor, or the court, deliver promptly
9 to the trustee”;

10 (B) in subsection (b), by striking “sub-
11 section (c) or (d)” and inserting “subsection
12 (d), (e), or (f)”;

13 (C) by redesignating subsections (c), (d),
14 and (e) as subsections (e), (f), and (g), respec-
15 tively; and

16 (D) by adding before subsection (e), as so
17 redesignated, the following:

18 “(c) An entity in possession of property that the
19 trustee may use, sell, or lease under section 363 of this
20 title, or that the debtor may exempt under section 522
21 of this title, shall have, upon delivery of such property to
22 the trustee, the same rights in the property as if the entity
23 remained in possession.

24 “(d) An entity that holds property that the trustee
25 may use, sell, or lease under section 363 of this title, or

1 that the debtor may exempt under section 522 of this title,
2 and that is subject to a potential loss of value due to acci-
3 dent, casualty, or theft shall not be required to deliver
4 such property to the trustee unless the party entitled to
5 possession provides proof of insurance or other security
6 sufficient to protect the creditor against such loss of
7 value.”.

8 (2) CONFORMING AMENDMENT.—Section
9 549(a)(2)(A) of title 11, United States Code, is
10 amended by striking “542(c)” and inserting
11 “542(e)”.

12 (oo) LIMITATIONS ON AVOIDING POWERS.—Section
13 546(a)(1)(B) of title 11, United States Code, is amended
14 by striking “1104, 1163, 1202, or 1302” and inserting
15 “1001, 1104, 1163, or 1202”.

16 (pp) FRAUDULENT TRANSFERS AND OBLIGA-
17 TIONS.—Section 548 of title 11, United States Code, is
18 amended—

19 (1) in subsection (a)(1), in the matter pre-
20 ceding subparagraph (A), by striking “2 years” and
21 inserting “4 years”;

22 (2) in subsection (b)(1), by striking “2 years”
23 and inserting “4 years”;

24 (3) in subsection (e)—

25 (A) in paragraph (1)—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “In addition” and
3 inserting “Subject to paragraphs (3) and
4 (4), in addition”;

5 (ii) in subparagraph (B), by adding
6 “and” at the end;

7 (iii) in subparagraph (C), by striking
8 “; and” and inserting a period; and

9 (iv) by striking subparagraph (D);
10 and

11 (B) by adding at the end the following:

12 “(3) The trustee may not avoid under para-
13 graph (1) a transfer of property that is exempt from
14 the estate pursuant to paragraph (2)(A)(ii)(II)(kk)
15 or (3)(A)(iii) of section 522(b).

16 “(4)(A) The trustee may not avoid under para-
17 graph (1) a transfer that was not made with actual
18 intent to hinder, delay, or defraud.

19 “(B) The defendant in any action under this
20 subsection has the burden of proof in pleading and
21 proving that the transfer was not made with actual
22 intent to hinder, delay, or defraud creditors.”.

23 (qq) LIABILITY OF TRANSFEREE OF AVOIDED
24 TRANSFER.—Section 550 of title 11, United States Code,
25 is amended by adding at the end the following:

1 “(g) The trustee may recover from a transferee the
 2 costs of bringing a successful avoidance action, including
 3 reasonable attorney fees, for the avoidance of a transfer
 4 under section 544(b) under—

5 “(1) an applicable nonbankruptcy law that pro-
 6 hibits a transfer made with actual intent to hinder,
 7 delay, or defraud a creditor;

8 “(2) section 548(a)(1); or

9 “(3) section 548(e).”.

10 (rr) EXPEDITED DETERMINATION OF INTERESTS IN,
 11 AND ABANDONMENT OR OTHER DISPOSITION OF GRAIN
 12 ASSETS.—Section 557(d)(3) of title 11, United States
 13 Code, is amended by striking “1104, 1183, 1202, and
 14 1302” and inserting “1001, 1104, 1183, and 1202”.

15 (ss) DUTIES OF TRUSTEE.—Section 704 of title 11,
 16 United States Code, is amended—

17 (1) in subsection (a)—

18 (A) by striking “(a)”;

19 (B) by striking paragraphs (3) and (10);

20 and

21 (C) by redesignating paragraphs (4), (5),
 22 (6), (7), (8), (9), (11), and (12) as paragraphs
 23 (3), (4), (5), (6), (7), (8), (9), and (10), respec-
 24 tively;

25 (2) by striking subsection (b); and

1 (3) by striking subsection (c).

2 (tt) CONVERSION.—Section 706 of title 11, United
3 States Code, is amended—

4 (1) in subsection (a)—

5 (A) by striking “11, 12, or 13” and insert-
6 ing “11 or 12”; and

7 (B) by striking “1112, 1208, or 1307” and
8 inserting “1112 or 1208”; and

9 (2) in subsection (c), by striking “12 or 13”
10 and inserting “12”.

11 (uu) DISMISSAL OF A CASE OR CONVERSION TO A
12 CASE UNDER CHAPTER 11 OR 13.—

13 (1) IN GENERAL.—Section 707 of title 11,
14 United States Code, is amended—

15 (A) in the section heading, by striking “**or**
16 **conversion to a case under chapter 11**
17 **or 13**”;

18 (B) in subsection (a), by striking “(a)
19 The” and inserting “The”;

20 (C) by striking subsection (b); and

21 (D) by striking subsection (c).

22 (2) CONFORMING AMENDMENT.—The table of
23 sections for chapter 7 of title 11, United States
24 Code, is amended by striking the item relating to
25 section 707 and inserting the following:

“707. Dismissal of a case.”.

1 (vv) REDEMPTION.—

2 (1) IN GENERAL.—Section 722 of title 11,
3 United States Code, is repealed.

4 (2) CONFORMING AMENDMENT.—The table of
5 sections for chapter 7 of title 11, United States
6 Code, is amended by striking the item relating to
7 section 722.

8 (ww) DISTRIBUTION OF PROPERTY OF THE ES-
9 TATE.—Section 726(b) of title 11, United States Code, is
10 amended by striking “1112, 1208, or 1307” and inserting
11 “1005, 1053(c), 1112, or 1208”.

12 (xx) DISCHARGE.—

13 (1) IN GENERAL.—Section 727 of title 11,
14 United States Code, is repealed.

15 (2) CONFORMING AMENDMENT.—The table of
16 sections for chapter 7 of title 11, United States
17 Code, is amended by striking the item relating to
18 section 727.

19 (yy) DUTIES OF TRUSTEE AND EXAMINER.—Section
20 1106 of title 11, United States Code, is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1), by striking “para-
23 graphs (2), (5), (7), (8), (9), (10), (11), and
24 (12) of section 704(a)” and inserting “para-

1 graphs (2), (4), (6), (7), (8), (9), and (10) of
2 section 704”; and

3 (B) in paragraph (5), by striking “12, or
4 13” and inserting “7, 10, or 12”; and

5 (2) in subsection (c)(1)(C), by striking clause
6 (iv) and inserting the following:

7 “(iv) the name of each creditor that
8 holds a claim that is not discharged under
9 paragraph (2) or (4) of section 523(a) of
10 this title.”.

11 (zz) CONVERSION OR DISMISSAL.—Section 1112 of
12 title 11, United States Code, is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (2), by striking “or”;

15 (B) in paragraph (3), by striking the pe-
16 riod at the end and inserting “; or”; and

17 (C) by adding at the end the following:

18 “(4) the debtor is an individual.”;

19 (2) in subsection (b)(1), by inserting “in a case
20 in which the debtor is not an individual,” after “sub-
21 section (c),”;

22 (3) in subsection (d), by striking “12 or 13”
23 and insert “10 or 12”;

24 (4) by redesignating subsection (f) as sub-
25 section (g); and

1 (5) by inserting after subsection (e), the fol-
2 lowing:

3 “(f) The debtor may convert a case under this chap-
4 ter to a case under chapter 10 of this title at any time.
5 Any waiver of the right to convert under this subsection
6 is unenforceable.”.

7 (aaa) PROPERTY OF THE ESTATE.—Section 1115(a)
8 of title 11, United States Code, is amended by striking
9 “7, 12, or 13” each place it appears and inserting “10
10 or 12”.

11 (bbb) CONTENTS OF PLAN.—Section 1123(a)(8) of
12 title 11, United States Code, is amended by striking “for
13 the execution of the plan.” and inserting “for the debtor
14 to meet the minimum payment obligation of the debtor.”.

15 (ccc) CONFIRMATION OF PLAN.—Section
16 1129(a)(15)(B) of title 11, United States Code, is amend-
17 ed by striking “the projected disposable income” and all
18 that follows through “whichever is longer” and inserting
19 “the minimum payment obligation of the debtor under a
20 repayment plan under section 1021(a)(1) if the case were
21 a case under chapter 10”.

22 (ddd) EFFECT OF CONFIRMATION.—Section 1141(d)
23 of title 11, United States Code, is amended—

24 (1) in paragraph (3)(C)—

1 (A) by striking “section 727(a)” and in-
2 serting “section 1031”; and

3 (B) by striking “chapter 7” and inserting
4 “chapter 10”; and

5 (2) in paragraph (5)—

6 (A) in subparagraph (A), by adding “and”
7 at the end;

8 (B) in subparagraph (B), by striking “;
9 and” at the end and inserting a period; and

10 (C) by striking subparagraph (C).

11 (eee) TRUSTEE.—Section 1183(b) of title 11, United
12 States Code, is amended—

13 (1) in paragraph (1), by striking “paragraphs
14 (2), (5), (6), (7), and (9) of section 704(a)” and in-
15 serting “paragraphs (2), (4), (5), (6), and (8) of sec-
16 tion 704”;

17 (2) in paragraph (5), by striking “704(a)(8)”
18 and inserting “704(7)”; and

19 (3) in paragraph (6), by striking “704(c)” and
20 inserting “1001(b)(5)”.

21 (fff) PROPERTY OF THE ESTATE.—Section 1186(a)
22 of title 11, United States Code, is amended by striking
23 “7, 12, or 13” each place it appears and inserting “7,
24 10, or 12”.

1 (ggg) TRUSTEE.—Section 1202 of title 11, United
2 States Code, is amended—

3 (1) in subsection (b)—

4 (A) in paragraph (1), by striking “sections
5 704(a)(2), 704(a)(3), 704(a)(5), 704(a)(6),
6 704(a)(7), and 704(a)(9)” and inserting “para-
7 graphs (2), (3), (4), (5), (6), and (8) of section
8 704”; and

9 (B) in paragraph (5), by striking
10 “704(a)(8)” and inserting “704(7)”; and

11 (2) in subsection (c)(1)(C), by striking clause
12 (iv) and inserting the following:

13 “(iv) the name of each creditor that
14 holds a claim that is not discharged under
15 paragraph (2) or (4) of section 523(a) of
16 this title.”.

17 (hhh) CONVERSION OR DISMISSAL.—Section 1208 of
18 title 11, United States Code, is amended—

19 (1) in subsection (a) by striking “7 of” and in-
20 serting “7 or 10 of”; and

21 (2) in subsection (b) by striking “or 1112” and
22 inserting “, 1005, 1053(e), or 1112”.

23 (iii) DISCHARGE.—Section 1228 of title 11, United
24 States Code, is amended by striking subsection (f).

1 **SEC. 105. DATA COLLECTION.**

2 Section 159 of title 28, United States Code, is
3 amended by striking subsections (a), (b), and (c) and in-
4 serting the following:

5 “(a)(1) When a case is filed under chapter 10 of title
6 11, each debtor in the case may file with the court the
7 following information about the debtor:

8 “(A) Marital status.

9 “(B) Age.

10 “(C) Sex.

11 “(D) Race.

12 “(E) Ethnicity.

13 “(2) The Attorney General, in consultation with the
14 Consumer Bankruptcy Ombuds of the Bureau of Con-
15 sumer Financial Protection and the Director of the Ad-
16 ministrative Office of the United States Courts (referred
17 to in this section as the ‘Director’), shall prescribe a
18 standard form for the collection of the information de-
19 scribed in paragraph (1).

20 “(3) Any information collected, stored, received, or
21 published under paragraph (1) shall—

22 “(A) be so collected, stored, received, or pub-
23 lished in a manner that protects the privacy of indi-
24 viduals whose information is included in such data;

1 “(B) be de-identified or anonymized in a man-
2 ner that protects the identity of all individuals whose
3 information is included in such data; and

4 “(C) be limited in use for the purpose of identi-
5 fying and addressing disparities in the bankruptcy
6 system and be protected from all other internal use
7 by any entity that collects, stores, or receives the in-
8 formation and from any other inappropriate uses.

9 “(4) Any information collected under paragraph
10 (1)—

11 “(A) shall not be part of the public record of
12 the bankruptcy case; and

13 “(B) shall be maintained in a nonpublic record
14 by the court to fulfill its duties under subsection (b).

15 “(b) The clerk of the district court, or the clerk of
16 the bankruptcy court if one is certified pursuant to section
17 156(b), shall collect information regarding individual debt-
18 ors seeking relief under chapter 10 of title 11. The infor-
19 mation shall be in a standardized format prescribed by
20 the Director so that the Director can fulfill the duties in
21 subsection (c).

22 “(c)(1) In this subsection, the term ‘qualified re-
23 searcher’ means a person who has undertaken to protect
24 the confidentiality and privacy of the information in the
25 database in a protocol that has been reviewed and ap-

1 proved by an institutional review board that is estab-
2 lished—

3 “(A) to protect the rights and welfare of human
4 subjects participating in scientific research; and

5 “(B) in accordance with the requirements es-
6 tablished under part 46 of title 45, Code of Federal
7 Regulations, or any successor thereto.

8 “(2) The Director shall—

9 “(A) compile statistical tables from the infor-
10 mation referred to in subsections (a) and (b) and
11 make the tables available to the public;

12 “(B) not later than July 1, 2022, and annually
13 thereafter, prepare, and submit to Congress a report
14 concerning the information collected under sub-
15 sections (a) and (b) that contains an analysis of the
16 information; and

17 “(C) not later than December 31 of the year
18 following the calendar year in which the information
19 is collected, make available to—

20 “(i) qualified researchers an electronic
21 database containing the information collected
22 under subsections (a) and (b) or used to create
23 the compilation required by this subsection; and

24 “(ii) the public an electronic database con-
25 taining the information collected under sub-

1 section (b) or used to create the compilation re-
2 quired by this subsection.

3 “(d) The compilation required under subsection (c)
4 shall—

5 “(1) be presented in the aggregate and for each
6 judicial district and division; and

7 “(2) include information concerning—

8 “(A) the total assets and total liabilities of
9 the debtors and in each category of assets and
10 liabilities, as reported in the schedules pre-
11 scribed pursuant to section 2075 and filed by
12 debtors;

13 “(B) the current monthly income of debt-
14 ors as reported on the schedules and statements
15 that each debtor files under section 521 of title
16 11;

17 “(C) the total compensation the debtors
18 promised to pay to an attorney, the amount of
19 the compensation paid to an attorney before fil-
20 ing, and the total number of cases in which a
21 wage garnishment order or electronic funds
22 transfer order was entered to pay an attorney;

23 “(D) the total number of dependents of the
24 debtors and the total number of dependents of
25 the debtors under the age of 18;

1 “(E) whether the debtors had an owner-
2 ship interest in real estate that served as the
3 debtors’ principal residence;

4 “(F) whether the debtors had an owner-
5 ship interest in real estate other than that
6 served as the debtors’ principal residence;

7 “(G) the minimum payment obligation of
8 the debtors as determined under section
9 101(54) of title 11;

10 “(H) whether the debtors filed a repay-
11 ment plan, a residence plan, or a property plan;
12 and

13 “(I) the average period of time between the
14 date of the filing of the petition and the closing
15 of the case for cases closed during the reporting
16 period.

17 “(e) The Director may add other information to the
18 compilations and databases required by this section that
19 improve the understanding of the causes of bankruptcy
20 and the functioning of the bankruptcy system.”.

21 **SEC. 106. ELECTRONIC SIGNATURES.**

22 (a) **ELECTRONIC SIGNATURE DEFINED.**—In this sec-
23 tion, the term “electronic signature” has the meaning
24 given the term in section 106 of the Electronic Signatures
25 in Global and National Commerce Act (15 U.S.C. 7006).

1 (b) ELECTRONIC SIGNATURES ALLOWED.—A signa-
2 ture required for a filing in a case under title 11, United
3 States Code, may not be denied legal effect, validity, or
4 enforceability solely because it is an electronic signature.

5 (c) ORIGINAL ELECTRONIC SIGNATURES AL-
6 LOWED.—In a case under title 11, United States Code,
7 an original signature may be an electronic signature.

8 **SEC. 107. JUDICIAL EDUCATION.**

9 The Director of the Federal Judicial Center, in con-
10 sultation with the Director of the Executive Office for
11 United States Trustees, shall develop materials and con-
12 duct training that may be useful to courts in implementing
13 this Act and the amendments made by this Act.

14 **SEC. 108. CONFORMING AMENDMENTS TO OTHER LAWS.**

15 (a) BANKRUPTCY ABUSE AND CONSUMER PROTEC-
16 TION ACT OF 2005.—

17 (1) AUDIT PROCEDURES.—Section 603 of the
18 Bankruptcy Abuse Prevention and Consumer Pro-
19 tection Act of 2005 (28 U.S.C. 586 note) is amend-
20 ed by striking subsection (a).

21 (2) JUDICIAL EDUCATION.—Section 1226 of the
22 Bankruptcy Abuse Prevention and Consumer Pro-
23 tection Act of 2005 (11 U.S.C. 101 note) is re-
24 pealed.

1 (3) TAX DOCUMENTS.—Section 1228(b) of the
2 Bankruptcy Abuse Prevention and Consumer Pro-
3 tection Act of 2005 (11 U.S.C. 521 note) is re-
4 pealed.

5 (b) CONSOLIDATED FARM AND RURAL DEVELOP-
6 MENT ACT.—Section 373(b)(2)(A)(ii) of the Consolidated
7 Farm and Rural Development Act (7 U.S.C.
8 2008h(b)(2)(A)(ii)) is amended by striking “11, 12, or
9 13” and inserting “10, 11, or 12”.

10 (c) CONSUMER CREDIT PROTECTION ACT.—Section
11 303(b)(1)(B) of the Consumer Credit Protection Act (15
12 U.S.C. 1673(b)(1)(B)) is amended by striking “any order
13 of any court of bankruptcy under chapter XIII of the
14 Bankruptcy Act” and inserting “any order of any court
15 of the United States having jurisdiction over cases under
16 title 11; and”.

17 (d) HIGHER EDUCATION ACT OF 1965.—Section
18 437(b) of the Higher Education Act of 1965 (20 U.S.C.
19 1087(b)) is amended—

20 (1) in paragraph (1), by striking “chapter 12 or
21 13” and inserting “chapter 10 or 12”; and

22 (2) in paragraphs (2) and (3), by striking
23 “chapter 7 or 11” and inserting “chapter 10, 11, or
24 12”.

1 (e) HOUSING AND COMMUNITY DEVELOPMENT
2 AMENDMENTS OF 1978.—Section 201(l)(2)(C) of the
3 Housing and Community Development Amendments of
4 1978 (12 U.S.C. 1715z-1a(l)(2)(C)) is amended by strik-
5 ing “727, 1141, or 1328(b)” and inserting “1031, 1141,
6 or 1192”.

7 (f) TITLE 28.—Title 28, United States Code, is
8 amended—

9 (1) in section 157(b)(2)—

10 (A) in subparagraph (B), by striking
11 “chapter 11, 12, or 13” and inserting “chapter
12 10, 11, or 12”;

13 (B) in subparagraph (O), by striking
14 “and”;

15 (C) in subparagraph (P), by striking the
16 period at the end and inserting “; and”; and

17 (D) by adding at the end the following:

18 “(Q) proceedings to enforce rights under
19 sections 524 or 525 of title 11.”;

20 (2) in section 589b—

21 (A) in subsection (a)(1), by striking “chap-
22 ters 7, 12, and 13” and inserting “chapters 7,
23 10, and 12”; and

24 (B) in subsection (d)—

1 (i) in the matter preceding paragraph
 2 (1), by striking “chapters 7, 12, and 13”
 3 and inserting “chapters 7, 10, and 12”;

4 (ii) in paragraph (5), by striking “,
 5 including for use under section 707(b), ac-
 6 tual costs of administering cases under
 7 chapter 13 or chapter 11”; and

8 (iii) in the matter following paragraph
 9 (8), by striking “chapters 12 and 13” and
 10 inserting “chapters 10 and 12”; and

11 (3) in section 3014(a)(1), by striking “section
 12 522(d)” and inserting “section 522(b)”.

13 (g) TITLE 38.—Section 3732(a)(2)(B) of title 38,
 14 United States Code, is amended by striking “1322(b)”
 15 and inserting “1022(b)”.

16 **TITLE II—CONSUMER FINAN-**
 17 **CIAL PROTECTION AMEND-**
 18 **MENTS**

19 **SEC. 201. AMENDMENTS TO THE CONSUMER FINANCIAL**
 20 **PROTECTION ACT OF 2010.**

21 (a) CONSUMER BANKRUPTCY OMBUDS.—The Con-
 22 sumer Financial Protection Act of 2010 (12 U.S.C. 5481
 23 et seq.) is amended by inserting after section 1035 (12
 24 U.S.C. 5535) the following:

1 **“SEC. 1035A. CONSUMER BANKRUPTCY OMBUDS.**

2 “(a) ESTABLISHMENT.—The Director, in consulta-
3 tion with the Attorney General, shall designate a Con-
4 sumer Bankruptcy Ombuds (in this section referred to as
5 the ‘Ombuds’) within the Bureau, to provide timely assist-
6 ance to individual debtors in bankruptcy.

7 “(b) PUBLIC INFORMATION.—The Director and the
8 Attorney General and the bankruptcy clerks appointed
9 under section 156(b) of title 11, United States Code, shall
10 disseminate information about the availability and func-
11 tions of the Ombuds to individual debtors in bankruptcy
12 and consumer bankruptcy attorneys and consumer credit
13 counseling agencies.

14 “(c) FUNCTIONS OF OMBUDS.—The Ombuds des-
15 ignated under this subsection shall—

16 “(1) in accordance with regulations of the Di-
17 rector, receive, review, and attempt to resolve infor-
18 mally complaints from individual debtors in bank-
19 ruptcy, including, as appropriate, attempts to resolve
20 such complaints in collaboration with creditors, the
21 United States Trustee Program of the Department
22 of Justice, trustees in bankruptcy, the bankruptcy
23 clerks appointed under section 156(b) of title 11,
24 United States Code, and consumer privacy ombuds-
25 men and future claims representatives appointed in
26 bankruptcy;

1 “(2) not later than 90 days after the date of
2 enactment of this section, establish a memorandum
3 of understanding with the Executive Office of the
4 United States Trustee Program, to ensure coordina-
5 tion in providing assistance to and serving individual
6 debtors in bankruptcy seeking to resolve complaints
7 related to their bankruptcy cases;

8 “(3) compile and analyze data on consumer
9 bankruptcy filings, including on the causes of indi-
10 vidual bankruptcy filings, the relationship between
11 consumer bankruptcy filings and consumer financial
12 products and services, and any disparities in the
13 bankruptcy system, including any disparities based
14 on the demographic categories described in section
15 159(a)(1) of title 28, United States Code;

16 “(4) compile and analyze data on complaints
17 from individual debtors in bankruptcy;

18 “(5) make recommendations to the Director
19 and the Attorney General regarding the filing of
20 amicus curiae briefs and making appearances in in-
21 dividual bankruptcy cases, particularly in the cases
22 involving repeat patterns of creditor behavior;

23 “(6) consult with the Director of the Adminis-
24 trative Office of the United States Courts regarding
25 the duties of that officer under section 159 of title

1 28, United States Code, regarding data collection
2 and reporting; and

3 “(7) make other appropriate recommendations
4 to the Director, the Attorney General, the Com-
5 mittee on Banking, Housing, and Urban Affairs and
6 the Committee on the Judiciary of the Senate and
7 the Committee on Financial Services and the Com-
8 mittee on Judiciary of the House of Representatives.

9 “(d) ANNUAL REPORTS.—

10 “(1) IN GENERAL.—The Ombuds shall prepare
11 an annual report that describes the activities, and
12 evaluates the effectiveness of the Ombuds during the
13 preceding year.

14 “(2) SUBMISSION.—The report required by
15 paragraph (1) shall be submitted on the same date
16 annually to the Attorney General, the Committee on
17 Banking, Housing, and Urban Affairs and the Com-
18 mittee on the Judiciary of the Senate and the Com-
19 mittee on Financial Services and the Committee on
20 the Judiciary of the House of Representatives.”.

21 (b) SUPERVISION OF HIGHER COST LENDERS.—Sec-
22 tion 1024(a)(1)(E) of the Consumer Financial Protection
23 Act of 2010 (12 U.S.C. 5514(a)(1)(E)) is amended by
24 striking “a payday loan” and inserting “a loan with an
25 annual percentage rate of greater than 36 percent, as de-

1 terminated under section 987(i)(4) of title 10, United States
2 Code”.

3 (c) VIOLATIONS OF DISCHARGE INJUNCTION.—Sec-
4 tion 1036(a) of the Consumer Financial Protection Act
5 of 2010 (12 U.S.C. 5536(a)), is amended—

6 (1) in paragraph (2)(C), by striking “or” at the
7 end;

8 (2) in paragraph (3), by striking the period at
9 the end and inserting “; or”; and

10 (3) by adding at the end the following:

11 “(4) to violate section 524(a) of title 11, United
12 States Code, in a case involving an individual debt-
13 or.”.

14 (d) AUTHORITY TO EXERCISE SUPERVISION AND
15 ENFORCEMENT AUTHORITY REGARDING BANKRUPTCY
16 LAW.—

17 (1) DEFINITIONS.—Section 1002(12) of the
18 Consumer Financial Protection Act of 2010 (12
19 U.S.C. 5481(12)) is amended—

20 (A) in subparagraph (Q), by striking
21 “and” and the end;

22 (B) in subparagraph (R), by striking the
23 period at the end and inserting a semicolon;
24 and

25 (C) by adding at the end the following:

1 “(S) title 11, United States Code, with re-
2 spect to individual debtors.”.

3 (2) EXCEPTION FROM RULEMAKING.—Section
4 1022 of the Consumer Financial Protection Act of
5 2010 (12 U.S.C. 5512) is amended by inserting “,
6 except title 11, United States Code,” after “Federal
7 consumer financial laws” each place the term ap-
8 pears.

9 (e) AVERAGE PRIME OFFER RATE FOR MOTOR VE-
10 HICLE FINANCINGS.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, and not less fre-
13 quently than monthly thereafter, the Bureau of Con-
14 sumer Financial Protection shall publish on the
15 website of the Bureau the following information with
16 respect to motor vehicle financing:

17 (A) The current (as of the date of publica-
18 tion) average prime offer rate for that type of
19 financing, including the provision of that fi-
20 nancing through retail installment sales con-
21 tracts.

22 (B) The most common duration of that
23 type of financing.

24 (C) Rate structures for financings for the
25 purchase of new and used light motor vehicles

1 that are used primarily for personal, family, or
2 household use.

3 (2) DATA COLLECTION.—In carrying out para-
4 graph (1), the Bureau of Consumer Financial Pro-
5 tection may engage in the collection of information
6 without regard to chapter 35 of title 44, United
7 States Code.

8 **SEC. 202. AMENDMENTS TO THE TRUTH IN LENDING ACT.**

9 Section 130 of the Truth in Lending Act (15 U.S.C.
10 1640) is amended—

11 (1) in subsection (a)(2)—

12 (A) in subparagraph (A)—

13 (i) by striking “\$200” and inserting
14 “\$1,600”;

15 (ii) by striking “\$2,000” and insert-
16 ing “\$16,000”;

17 (iii) by striking “\$500” and inserting
18 “\$4,000”;

19 (iv) by striking “\$5,000” and insert-
20 ing “\$40,000”;

21 (v) by striking “\$400” and inserting
22 “\$3,200”; and

23 (vi) by striking “\$4,000” and insert-
24 ing “\$32,000”; and

1 (B) in subparagraph (B), by striking
2 “\$1,000,000 or 1” and inserting “\$8,000,000
3 or 5”; and

4 (2) by adding at the end the following:

5 “(m) ADJUSTMENTS.—On April 1, 2022, and each
6 April 1 thereafter, each dollar amount in effect under sub-
7 sections (a) and (b) on the day before such April 1 shall
8 be adjusted—

9 “(1) to reflect the change in the Consumer
10 Price Index for All Urban Consumers, published by
11 the Department of Labor, for the most recent period
12 ending immediately before January 1 preceding such
13 April 1; and

14 “(2) to round to the nearest \$25 the dollar
15 amount that represents the change described in
16 paragraph (1).”.

17 **SEC. 203. AMENDMENTS TO THE FAIR CREDIT REPORTING**
18 **ACT.**

19 The Fair Credit Reporting Act (15 U.S.C. 1681 et
20 seq.) is amended—

21 (1) in section 605(a) (15 U.S.C. 1681e(a)), by
22 striking paragraph (1) and inserting the following:

23 “(1) Cases under title 11, United States Code,
24 that, from the date of entry of the order for relief,
25 antedate the report by more than 7 years.”; and

1 (2) in section 616 (15 U.S.C. 1681n)—

2 (A) in subsection (a)(1)—

3 (i) in subparagraph (A)—

4 (I) by striking “\$100” and in-
5 sserting “\$700”; and

6 (II) by striking “\$1,000” and in-
7 sserting “\$7,000”; and

8 (ii) in subparagraph (B), by striking
9 “\$1,000” and inserting “\$7,000”;

10 (B) in subsection (b), by striking “\$1,000”
11 and inserting “\$7,000”; and

12 (C) by adding at the end the following:

13 “(e) ADJUSTMENT.—On April 1, 2022, and each
14 April 1 thereafter, each dollar amount in effect under sub-
15 sections (a) and (b) on the day before such April 1 shall
16 be adjusted—

17 “(1) to reflect the change in the Consumer
18 Price Index for All Urban Consumers, published by
19 the Department of Labor, for the most recent period
20 ending immediately before January 1 preceding such
21 April 1; and

22 “(2) to round to the nearest \$25 the dollar
23 amount that represents the change described in
24 paragraph (1).”.

1 **SEC. 204. AMENDMENTS TO THE EQUAL CREDIT OPPOR-**
2 **TUNITY ACT.**

3 Section 706 of the Equal Credit Opportunity Act (15
4 U.S.C. 1691e) is amended—

5 (1) in subsection (b)—

6 (A) by striking “\$10,000” and inserting
7 “\$60,000”; and

8 (B) by striking “500,000 or 1” and insert-
9 ing “\$5,000,000 or 5”;

10 (2) by adding at the end the following:

11 “(l) ADJUSTMENT.—On April 1, 2022, and each
12 April 1 thereafter, each dollar amount in effect under sub-
13 section (b) on the day before such April 1 shall be ad-
14 justed—

15 “(1) to reflect the change in the Consumer
16 Price Index for All Urban Consumers, published by
17 the Department of Labor, for the most recent period
18 ending immediately before January 1 preceding such
19 April 1; and

20 “(2) to round to the nearest \$25 the dollar
21 amount that represents the change described in
22 paragraph (1).”.

23 **SEC. 205. AMENDMENTS TO THE FAIR DEBT COLLECTION**
24 **PRACTICES ACT.**

25 The Fair Debt Collection Practices Act (15 U.S.C.
26 1692 et seq.) is amended—

1 (1) in section 808 (15 U.S.C. 1692f), by adding
2 at the end the following:

3 “(9) Filing a lawsuit or a claim in a bankruptcy
4 case that is based on a debt without an actual, rea-
5 sonable, good-faith belief that the applicable statute
6 of limitations for enforcement of that debt has not
7 expired at the time of filing.

8 “(10) Any act to knowingly collect or attempt
9 to collect a debt that has been discharged in bank-
10 ruptcy except acceptance of a purely voluntary pay-
11 ment of the debtor without encouragement or coer-
12 cion by the debt collector.”; and

13 (2) in section 813 (15 U.S.C. 1692k)—

14 (A) in subsection (a)(2)—

15 (i) in subparagraph (A), by striking
16 “\$1,000” and inserting “\$5,000”; and

17 (ii) in subparagraph (B), by striking
18 “\$500,000 or 1” and inserting
19 “\$5,000,000 or 5”; and

20 (B) by adding at the end the following:

21 “(f) On April 1, 2022, and each April 1 thereafter,
22 each dollar amount in effect under paragraph (a)(2) on
23 the day before such April 1 shall be adjusted—

24 “(1) to reflect the change in the Consumer
25 Price Index for All Urban Consumers, published by

1 the Department of Labor, for the most recent period
2 ending immediately before January 1 preceding such
3 April 1; and

4 “(2) to round to the nearest \$25 the dollar
5 amount that represents the change described in
6 paragraph (1).”.

7 **SEC. 206. AMENDMENTS TO THE ELECTRONIC FUND**
8 **TRANSFERS ACT.**

9 Section 916 of the Electronic Fund Transfers Act
10 (15 U.S.C. 1693m) is amended—

11 (1) in subsection (a)(2)—

12 (A) in subparagraph (A)—

13 (i) by striking “\$100” and inserting
14 “\$500”; and

15 (ii) by striking “\$1,000” and insert-
16 ing “\$5,000”; and

17 (B) in subparagraph (B), by striking
18 “\$500,000 or 1” and inserting “\$5,000,000 or
19 5”; and

20 (2) by adding at the end the following:

21 “(h) On April 1, 2022, and each April 1 thereafter,
22 each dollar amount in effect under paragraph (a)(2) on
23 the day before such April 1 shall be adjusted—

24 “(1) to reflect the change in the Consumer
25 Price Index for All Urban Consumers, published by

1 the Department of Labor, for the most recent period
2 ending immediately before January 1 preceding such
3 April 1, and

4 “(2) to round to the nearest \$25 the dollar
5 amount that represents the change described in
6 paragraph (1).”.

7 **TITLE III—BANKRUPTCY RULES**

8 **SEC. 301. RULES ENABLING ACT AMENDMENTS.**

9 (a) **IN GENERAL.**—Notwithstanding the third undes-
10 ignated paragraph of section 2075 of title 28, United
11 States Code, the Supreme Court of the United States may
12 prescribe by general rules, the forms of process, writs,
13 pleadings, and motions, and the practice and procedure
14 in cases under title 11, United States Code, as may be
15 necessary to carry out this Act before the effective date
16 of this Act.

17 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
18 Section 2075 of title 28, United States Code, is amended
19 by striking the fourth undesignated paragraph.

20 (c) **PLAIN WRITING.**—In drafting the form required
21 by section 1031(d) of title 11, as added by this Act, the
22 Judicial Conference of the United States should comply
23 with the requirements of the Plain Writing Act of 2010
24 (5 U.S.C. 301 note).

25 “(1) “157A. Fraudulent transfers.”.

1 **SEC. 302. BANKRUPTCY RULES AMENDMENTS.**

2 Rule 7004 of the Federal Rules of Bankruptcy Proce-
3 dure is amended by striking subdivision (h).

4 **SEC. 303. SENSE OF CONGRESS.**

5 It is the sense of Congress that the Judicial Con-
6 ference of the United States should—

7 (1) promulgate a simplified version of the
8 schedule of current income and current expenditures
9 required under section 521(a)(1)(B)(ii) of title 11,
10 United States Code, for debtors who, by virtue of
11 section 521(c) of title 11, United States Code, are
12 not subject to the documentation requirements of
13 that section or the statement of annual income re-
14 quired by section 521(a)(1)(B)(v) of title 11, United
15 States Code; and

16 (2) draft rules that provide that, with respect to
17 a case in which the debtor is an individual, the
18 rights under section 542 of title 11, United States
19 Code, may be enforced by motion.

20 **TITLE IV—FUNDING THE**
21 **BANKRUPTCY SYSTEM**

22 **SEC. 401. BANKRUPTCY FEES.**

23 Title 28, United States Code, is amended—

24 (1) in section 589a(b), by amending paragraph
25 (1) to read as follows:

1 “(1) 38.50 percent of the fees collected under
2 section 1930(a)(1);” and

3 (2) in section 1930—

4 (A) in subsection (a)—

5 (i) by amending paragraph (1) to read
6 as follows:

7 “(1) For a case commenced under chapter 10,
8 \$250.”;

9 (ii) in paragraph (6)(B)—

10 (I) by striking “During each of
11 fiscal years 2018 through 2022, if”
12 and inserting “If”; and

13 (II) by striking “\$200,000,000”
14 and inserting “\$250,000,000”; and

15 (iii) in the undesignated matter fol-
16 lowing paragraph (7), by striking “chapter
17 7, or 13 of title 11” and inserting “chapter
18 7 or 10 of title 11”;

19 (B) by redesignating subsections (c), (d),
20 (e), and (f) as subsections (d), (e), (f), and (g),
21 respectively;

22 (C) by striking subsection (b) and insert-
23 ing the following:

1 “(b) On April 1, 2022, and each April 1 thereafter,
2 the dollar amounts in effect under paragraph (a)(6)(A)
3 on the day before such April 1 shall be adjusted—

4 “(1) to reflect the change in the Consumer
5 Price Index for All Urban Consumers, published by
6 the Department of Labor, for the most recent period
7 ending immediately before January 1 preceding such
8 April 1; and

9 “(2) to round to the nearest \$25 the dollar
10 amount that represents the change described in
11 paragraph (1).

12 “(c) The Judicial Conference of the United States
13 may prescribe additional fees in cases under title 11, other
14 than cases under chapter 10 of that title, of the same kind
15 as the Judicial Conference prescribes under section
16 1914(b) of this title.”; and

17 (D) in subsection (g), as so redesignated—

18 (i) in paragraph (1), by striking “(1)
19 Under” and all that follows and inserting
20 the following: “(1)(A) Under the proce-
21 dures prescribed by the Judicial Con-
22 ference of the United States, the district
23 court or the bankruptcy court may waive
24 all fees payable to the clerk of the court in
25 a case under chapter 10 of title 11 for an

1 individual if the court determines that such
 2 individual has income less than 150 per-
 3 cent of the income official poverty line (as
 4 defined by the Office of Management and
 5 Budget, and revised annually in accord-
 6 ance with section 673(2) of the Omnibus
 7 Budget Reconciliation Act of 1981) appli-
 8 cable to a family of the size involved and
 9 is unable to pay that fee in installments.

10 “(B) If the court determines that such an individual
 11 has income less than 100 percent of the income official
 12 poverty line applicable to a family of the size involved,
 13 such individual shall be conclusively presumed to be un-
 14 able to pay that fee in instalments.”; and

15 (ii) in paragraph (2), by striking
 16 “subsections (b) and (c)” and inserting
 17 “subsections (c) and (d)”.

18 **SEC. 402. TRUSTEE COMPENSATION.**

19 (a) AMENDMENTS.—Section 586 of title 28, United
 20 States Code, is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (3)—

23 (i) in the matter preceding subpara-
 24 graph (A), by striking “chapter 7, 11 (in-
 25 cluding subchapter V of chapter 11), 12,

1 13, or 15” and inserting “chapter 7, 10,
2 11 (including subchapter V of chapter 11),
3 12, or 15”; and

4 (ii) in subparagraph (C)—

5 (I) by striking “chapters 12 and
6 13 of title 11” and inserting “chap-
7 ters 10 and 12 of title 11”; and

8 (II) by striking “sections 1224,
9 1229, 1324, and 1329” and inserting
10 “sections 1024, 1025(k), 1224, and
11 1229”;

12 (B) by striking paragraph (6); and

13 (C) by redesignating paragraphs (7) and
14 (8) as paragraphs (6) and (7), respectively;

15 (2) by amending subsection (b) to read as fol-
16 lows:

17 “(b) If the number of cases under chapter 10 or 12
18 of title 11 or subchapter V of chapter 11 of title 11 com-
19 menced in a particular region so warrants, the United
20 States trustee for such region may, subject to the approval
21 of the Attorney General, appoint 1 or more individuals to
22 serve as standing trustee, or designate 1 or more assistant
23 United States trustees to serve in cases under such chap-
24 ter. The United States trustee may also establish, main-
25 tain, and supervise a panel of private trustees that are

1 eligible and available to serve as trustees in cases under
2 chapter 10 of title 11. The United States trustee for such
3 region shall supervise the performance of the duties of any
4 such individual appointed under this subsection.”;

5 (3) in subsection (d)(1), by striking “under
6 subchapter V of chapter 11 or chapter 12 or 13 of
7 title 11” each place it appears and inserting “chap-
8 ter 10 or 12 of title 11 or subchapter V of chapter
9 11 of title 11”;

10 (4) in subsection (e)—

11 (A) in paragraph (1), in the matter pre-
12 ceding subparagraph (A), by striking “under
13 subchapter V of chapter 11 or chapter 12 or 13
14 of title 11” and inserting “chapter 12 of title
15 11 or subchapter V of chapter 11”;

16 (B) in paragraph (2)—

17 (i) in the matter preceding subpara-
18 graph (A), by striking “under subchapter
19 V of chapter 11 or chapter 12 or 13 of
20 title 11” and inserting “chapter 12 of title
21 11 or subchapter V of chapter 11 of title
22 11”;

23 (ii) in subparagraph (A), by striking
24 “under subchapter V of chapter 11 or
25 chapter 12 or 13 of title 11” and inserting

1 “chapter 12 of title 11 or subchapter V of
2 chapter 11 of title 11”; and

3 (iii) in subparagraph (B)(ii), by strik-
4 ing “subparagraph (d)(1)(B)” and insert-
5 ing “subparagraph (e)(1)(B)”;

6 (C) by redesignating paragraphs (3), (4),
7 and (5) as paragraphs (5), (6), and (7), respec-
8 tively; and

9 (D) by inserting after paragraph (2) the
10 following:

11 “(3) The Attorney General, after consultation
12 with a United States trustee that has appointed an
13 individual under subsection (b) of this section to
14 serve as standing trustee in cases under chapter 10
15 of title 11, shall fix—

16 “(A) a maximum annual compensation for
17 such individual consisting of—

18 “(i) an amount not to exceed the 1.25
19 times the highest annual rate of basic pay
20 in effect for a position at level IV of the
21 Executive Schedule under section 5315 of
22 title 5; and

23 “(ii) the cash value of employment
24 benefits comparable to the employment
25 benefits provided by the United States to

1 individuals who are employed by the
2 United States at the same rate of basic
3 pay to perform similar services during the
4 same period of time; and

5 “(B) a percentage fee not to exceed 10
6 percent.

7 “(4) An individual serving as standing trustee
8 in cases under chapter 10 of title 11 shall collect
9 such percentage fee from all payments received by
10 such individual (including the value of property ten-
11 dered to such individual) under plans in such cases
12 for which such individual serves as standing trustee.
13 Such individual shall pay to the United States trust-
14 ee, and the United States trustee shall deposit in the
15 United States Trustee System Fund—

16 “(A) any amount by which the actual com-
17 pensation of such individual exceeds 5 percent
18 upon all payments received under plans in such
19 cases for which such individual serves as stand-
20 ing trustee; and

21 “(B) any amount by which the percentage
22 fee for all such cases exceeds—

23 “(i) such individual’s actual com-
24 pensation for such cases, as adjusted under
25 subparagraph (A) of paragraph (3); plus

1 “(ii) the actual, necessary expenses in-
 2 curred by such individual as standing
 3 trustee in such cases. Subject to the ap-
 4 proval of the Attorney General, any or all
 5 of the interest earned from the deposit of
 6 payments under plans by such individual
 7 may be utilized to pay actual, necessary ex-
 8 penses without regard to the percentage
 9 limitation contained in paragraph (3)(B) of
 10 this subsection.”; and

11 (5) by striking subsection (f).

12 (b) REGULATIONS.—Not later than 1 year after the
 13 date of enactment of this Act, the Attorney General shall
 14 promulgate regulations to implement a process for sub-
 15 stituting a trustee under section 1001 of title 11, United
 16 States Code, when necessary.

17 **TITLE V—BANKRUPTCY LIEN**
 18 **FILING SYSTEM**

19 **SEC. 501. BANKRUPTCY LIEN FILING SYSTEM.**

20 (a) IN GENERAL.—Not later than 1 year after the
 21 date of enactment of this Act, the Director of the Execu-
 22 tive Office for United States Trustees shall establish a
 23 searchable electronic system for the filing of liens created
 24 by, or under, title 11, United States Code, including—

1 (1) liens created under section 1028(i)(1) of
2 that title; and

3 (2) liens created pursuant to any order issued
4 in a case under that title.

5 (b) REGULATIONS.—The Attorney General shall pro-
6 mulgate any necessary regulations to effectuate the estab-
7 lishment and operation of the filing system required under
8 subsection (a), including regulations relating to the effect
9 of the filing of a lien in the system.

10 **TITLE VI—MISCELLANEOUS**

11 **SEC. 601. EFFECTIVE DATE.**

12 The provisions of this Act and the amendments made
13 by this Act shall take effect on the date that is 1 year
14 after the date of enactment of this Act.

15 **SEC. 602. TRANSITION.**

16 A case commenced under title 11, United States
17 Code, before the date that is 1 year after the date of enact-
18 ment of this Act, and all matters and proceedings in or
19 relating to any such case, shall be conducted and deter-
20 mined as if this Act had not been enacted, and the sub-
21 stantive rights of parties in connection with any such
22 bankruptcy case, matter, or proceeding shall continue to
23 be governed by the law applicable to such case, matter,
24 or proceeding as if the Act had not been enacted.

1 **SEC. 603. SEVERABILITY.**

2 If any provision of this Act, an amendment made by
3 this Act, or the application of such provision or amend-
4 ment to any person or circumstance is held to be invalid
5 or unconstitutional, the remainder of this Act, the amend-
6 ments made by this Act, and the application of such provi-
7 sions to any person or circumstance shall not be affected
8 thereby.

○