

SA 91. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 256, to amend title 11 of the United States Code, and for other purposes; as follows:

On page 205, between lines 16 and 17, insert the following:

SEC. 332. FRAUDULENT INVOLUNTARY BANKRUPTCY.

(a) *Short Title.*--This section may be cited as the "Involuntary Bankruptcy Improvement Act of 2005".

(b) *Involuntary Cases.*--Section 303 of title 11, United States Code, is amended by adding at the end the following:

“(1) If-

“(A) the petition under this section is false or contains any materially false, fictitious, or fraudulent statement;

“(B) the debtor is an individual; and

“(C) the court dismisses such petition,

the court, upon the motion of the debtor, shall seal all the records of the court relating to such petition, and all references to such petition.

“(2) If the debtor is an individual and the court dismisses a petition under this section, the court may enter an order prohibiting all consumer reporting agencies (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) from making any consumer report (as defined in section 603(d) of that Act) that contains any information relating to such petition or to the case commenced by the filing of such petition.

“(3) Upon the expiration of the statute of limitations described in section 3282 of title 18, for a violation of section 152 or 157 of such title, the court, upon the motion of the debtor and for good cause, may expunge any records relating to a petition filed under this section.”.

(c) *Bankruptcy Fraud.*--Section 157 of title 18, United States Code, is amended by inserting “, including a fraudulent involuntary bankruptcy petition under section 303 of such title” after “title 11”.