

The amendment (No. 92) as modified, was agreed to, as follows:

Credit Counseling Amendment:

(1) On page 34, after line 25, insert--

“(4) The requirements of paragraph (1) shall not apply with respect to a debtor whom the court determines, after notice and hearing, is unable to complete those requirements because of incapacity, disability, or active military duty in a military combat zone. For the purposes of this paragraph, incapacity means that the debtor is impaired by reason of mental illness or mental deficiency so that he is incapable of realizing and making rational decisions with respect to his financial responsibilities; and “disability” means that the debtor is so physically impaired as to be unable, after reasonable effort, to participate in an in person, telephone, or Internet briefing required under paragraph (1);

(2) On page 42, line 15, strike “and”; and

(3) On page 43, between lines 3 and 4, insert the following:

“(E) if a fee is charged for the instructional course, charge a reasonable fee, and provide services without regard to ability to pay the fee.”

(4) On page 35, line 12, insert “who is a person described in section 109(h)(4) or” after the word “debtor.”

(5) On page 36, line 9, insert “who is a person described in section 109(h)(4) or” after the word “debtor.”