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TEXT OF AMENDMENTS -- (Senate - February 28, 2005)

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SA 14. Mr. BAYH 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; which was ordered to lie on the table; as follows:

On page 19, strike line 13, and insert the following:

monthly income.

“(8) Paragraph (2) shall not apply if--

“(A) the debtor, or a member of the debtor's family, is a member of the uniformed services (as defined in section 101(a)(5) of title 10); and

“(B) the filing under this title was a direct result of debts incurred as a result of a reduction of income due to a change of status from civilian employment to service on active duty (as defined in section 101(d) of title 10) as a member of the uniformed services.”

On page 146, strike lines 6 through 19, and insert the following:

(b) *Restoring the Foundation for Secured Credit*--Section 1325(b) of title 11, United States Code, is amended by adding at the end the following:

“(3) Section 506 shall not apply to a claim described in subsection (a)(5) under circumstances other than those described in section 707(b)(8)--

“(A) if--

“(i) the creditor has a purchase money security interest securing the debt that is the subject of the claim;

“(ii) the debt was incurred during the 910-day period preceding the date on which the petition was filed; and

“(iii) the collateral for that debt consists of a motor vehicle (as defined in section 30102 of title 49) acquired for the personal use of the debtor; or

“(B) if--

“(i) the debt was incurred during the 1-year period preceding the date on which the petition was filed; and

“(ii) collateral for the debt that is the subject of the claim consists of anything of value other than the collateral described in subparagraph (A)(iii).”.

On page 259, between lines 7 and 8, insert the following:

SEC. 605. GAO STUDY OF CAUSES OF BANKRUPTCY FOR MEMBERS OF THE UNIFORMED SERVICES.

The Comptroller General of the United States shall--

- (1) conduct a study of the frequency and causes of bankruptcy by members of the uniformed services; and
- (2) provide recommendations to Congress on how to protect members of the uniformed services, and their families, who file for bankruptcy.

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