

108TH CONGRESS
1ST SESSION

S. 1128

To amend title 11 of the United States Code with respect to the dismissal of certain involuntary cases.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2003

Mr. FEINGOLD (for himself, Mr. LEAHY, and Mr. KOHL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 11 of the United States Code with respect to the dismissal of certain involuntary cases.

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 “Involuntary Bank-
5 ruptcy Improvement Act of 2003”.

6 **SEC. 2. INVOLUNTARY CASES.**

7 Section 303 of title 11, United States Code, is
8 amended by adding at the end the following:

9 “(l)(1) If—

1 “(A) the petition under this section is false or
2 contains any materially false, fictitious, or fraudu-
3 lent statement;

4 “(B) the debtor is an individual; and

5 “(C) the court dismisses such petition;

6 the court, upon motion of the debtor, shall expunge from
7 the records of the court such petition, all the records relat-
8 ing to such petition in particular, and all references to
9 such petition.

10 “(2) If the debtor is an individual and the court dis-
11 misses a petition under this section, the court may enter
12 an order prohibiting all consumer reporting agencies (as
13 defined in section 603(f) of the Fair Credit Reporting Act
14 (15 U.S.C. 1681a(f))) from making any consumer report
15 (as defined in section 603(d) of that Act) that contains
16 any information relating to such petition or to the case
17 commenced by the filing of such petition.”