

111TH CONGRESS
2D SESSION

H. R. 6198

To amend title 11 of the United States Code to make technical corrections;
and for related purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2010

Mr. CONYERS introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To amend title 11 of the United States Code to make
technical corrections; and for related 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 “Bankruptcy Technical
5 Corrections Act of 2010”.

6 **SEC. 2. TECHNICAL CORRECTIONS RELATING TO AMEND-**
7 **MENTS MADE BY PUBLIC LAW 109–8.**

8 (a) TITLE 11 OF THE UNITED STATES CODE.—Title
9 11 of the United States Code is amended—

10 (1) in section 101—

1 (A) in paragraph (13A)—

2 (i) in subparagraph (A) by inserting
3 “if used as the principal residence by the
4 debtor” after “structure” the 1st place it
5 appears, and

6 (ii) in subparagraph (B) by inserting
7 “if used as the principal residence by the
8 debtor” before the period at the end,

9 (B) in paragraph (35) by striking “(23)
10 and (35)” and inserting “(21B) and (33)(A)”,

11 (C) in paragraph (40B) by striking “writ-
12 ten document relating to a patient or a” and in-
13 serting “record relating to a patient, including
14 a written document or a”,

15 (D) in paragraph (42) by striking “303,
16 and 304” and inserting “303 and 1504”,

17 (E) in paragraph (51B) by inserting
18 “thereto” before the period at the end,

19 (F) in paragraph (51D) by inserting “of
20 the filing” after “date” the 1st place it appears,
21 and

22 (G) by redesignating paragraphs (56A)
23 and (53D) as (53D) and (53E), respectively,

24 (2) in section 103(a) by striking “362(n)” and
25 inserting “362(o)”,

1 (3) in section 105(d)(2) by inserting “may”
2 after “Procedure,”

3 (4) in section 106(a)(1) by striking “728,”

4 (5) in section 107(a) by striking “subsection (b)
5 of this section” and inserting “subsections (b) and
6 (c),”

7 (6) in section 109—

8 (A) in subsection (b)(3)(B) by striking
9 “1978” and inserting “1978),” and

10 (B) in subsection (h)(1)—

11 (i) by inserting “other than paragraph
12 (4) of this subsection” after “this section”,
13 and

14 (ii) by striking “preceding” and in-
15 serting “ending on”,

16 (7) in section 110—

17 (A) in subsection (b)(2)(A) by inserting
18 “or on behalf of” after “from”, and

19 (B) in subsection (h)—

20 (i) in the last sentence of paragraph
21 (1)—

22 (I) by striking “a” and inserting
23 “the”, and

24 (II) by inserting “or on behalf
25 of” after “from”,

1 (ii) in paragraph (3)(A)—

2 (I) by striking “found to be in
3 excess of the value of any services”,
4 and

5 (II) in clause (i) by inserting
6 “found to be in excess of the value of
7 any services” after “(i)”, and

8 (iii) in paragraph (4) by striking
9 “paragraph (2)” and inserting “paragraph
10 (3)”,

11 (8) in section 111(d)(1)(E)—

12 (A) by striking the period at the end and
13 insert “; and”, and

14 (B) by indenting the left margin of such
15 subparagraph 2 additional ems to the right,

16 (9) in section 303 by redesignating subsection
17 (l) as subsection (k),

18 (10) in section 308(b)—

19 (A) by striking “small business debtor”
20 and inserting “debtor in a small business case”,
21 and

22 (B) in paragraph (4)—

23 (i) in subparagraph (A)—

24 (I) by striking “(A)”, and

1 (II) by redesignating clauses (i)
2 and (ii) as subparagraphs (A) and
3 (B), respectively,

4 (ii) in subparagraph (B)—

5 (I) by striking “(B)” and insert-
6 ing “(5)”,

7 (II) by striking “subparagraph
8 (A)(i)” and inserting “paragraph
9 (4)(A)”, and

10 (III) by striking “subparagraph
11 (A)(ii)” and inserting “paragraph
12 (4)(B)”, and

13 (iii) by redesignating subparagraph
14 (C) as paragraph (6),

15 (11) in section 348—

16 (A) in subsection (b)—

17 (i) by striking “728(a), 728(b),”, and

18 (ii) by striking “1146(a), 1146(b),”,

19 and

20 (B) in subsection (f)(1)(C)(i) by inserting
21 “of the filing” after “date”,

22 (12) in section 362—

23 (A) in subsection (a)(8)—

24 (i) by striking “corporate debtor’s”,

25 and

1 (ii) by inserting “of a debtor that is a
2 corporation” after “liability” the 1st place
3 it appears,

4 (B) in subsection (c)—

5 (i) in paragraph (3), in the matter
6 preceding subparagraph (A), by inserting
7 “a” after “against”, and

8 (ii) in paragraph (4)(A)(i) by insert-
9 ing “under a chapter other than chapter 7
10 after dismissal” after “refiled”,

11 (C) in subsection (d)(4) by striking
12 “hinder, and” and inserting “hinder, or”, and

13 (D) in subsection (l)(2) by striking
14 “nonbankruptcy” and inserting “nonbank-
15 ruptcy”,

16 (13) in section 363(d)—

17 (A) in the matter preceding paragraph (1)
18 by striking “only”,

19 (B) by amending paragraph (1) to read as
20 follows:

21 “(1) in the case of a debtor that is a corpora-
22 tion or trust that is not a moneyed business, com-
23 mercial corporation, or trust, only in accordance
24 with nonbankruptcy law applicable to the transfer of

1 property by a debtor that is such a corporation or
2 trust; and”, and

3 (C) in paragraph (2) by inserting “only”
4 after “(2)”,

5 (14) in section 505(a)(2)(C) by striking “any
6 law (other than a bankruptcy law)” and inserting
7 “applicable nonbankruptcy law”,

8 (15) in section 507(a)(8)(A)(ii) by striking the
9 period at the end and inserting “; or”,

10 (16) in section 521(a)—

11 (A) in paragraph (2)—

12 (i) in subparagraph (A)—

13 (I) by striking “the debtor shall”,

14 and

15 (II) by adding “and” at the end,

16 (ii) in subparagraph (B)—

17 (I) by striking “the debtor shall”,

18 and

19 (II) by striking “and” at the end,

20 and

21 (iii) in subparagraph (C) by striking

22 “(C)” and inserting the following:

23 “except that”, and

24 (B) in paragraphs (3) and (4) by inserting

25 “is” after “auditor”,

1 (17) in section 522—

2 (A) in subsection (b)(3)(A)—

3 (i) by striking “at” the 1st place it
4 appears and inserting “to”, and

5 (ii) by striking “at” the 2d place it
6 appears and inserting “in”, and

7 (B) in subsection (c)(1) by striking “sec-
8 tion 523(a)(5)” and inserting “such para-
9 graph”,

10 (18) in section 523(a)—

11 (A) in paragraph (2)(C)(ii)(II) by striking
12 the period at the end and inserting a semicolon,
13 and

14 (B) in paragraph (3) by striking “521(1)”
15 and inserting “521(a)(1)”,

16 (19) in section 524(k)—

17 (A) in the last undesignated paragraph of
18 the quoted matter in paragraph (3)(J)(i)—

19 (i) by striking “security property” and
20 inserting “secured property” each place it
21 appears, and

22 (ii) in the last sentence by inserting
23 “must” after “you”, and

24 (B) in paragraph (5)(B) by striking “that”
25 and inserting “that,”,

1 (20) in section 526(a)—

2 (A) in paragraph (2) by striking “untrue
3 and” and inserting “untrue or”, and

4 (B) in paragraph (4) by inserting “a”
5 after “preparer”,

6 (21) in the 3d sentence of the 4th undesignated
7 paragraph of the quoted matter in section 527(b),
8 by striking “Schedules and Statement of Financial
9 Affairs, as well as in some cases a Statement of In-
10 tention” and inserting “Schedules, and Statement of
11 Financial Affairs, and in some cases a Statement of
12 Intention,”,

13 (22) in section 541(b)(6)(B) by striking “sec-
14 tion 529(b)(7)” and inserting “section 529(b)(6)”,

15 (23) in section 554(c) by striking “521(1)” and
16 inserting “521(a)(1)”,

17 (24) in section 704(a)(3) by striking
18 “521(2)(B)” and inserting “521(a)(2)(B)”,

19 (25) in section 707—

20 (A) in subsection (a)(3) by striking “521”
21 and inserting “521(a)”, and

22 (B) in subsection (b)—

23 (i) in paragraph (2)(A)(iii)(I) by in-
24 serting “of the filing” after “date”, and

1 (ii) in paragraph (3) by striking “sub-
2 paragraph (A)(i) of such paragraph” and
3 inserting “paragraph (2)(A)(i),”
4 (26) in section 723(c) by striking “Notwith-
5 standing section 728(c) of this title, the” and insert-
6 ing “The”,
7 (27) in section 724(b)(2)—
8 (A) by striking “507(a)(1)” and inserting
9 “507(a)(1)(C) or 507(a)(2),”
10 (B) by inserting “under each such section”
11 after “expenses” the 1st place it appears,
12 (C) by striking “chapter 7 of this title”
13 and inserting “this chapter”, and
14 (D) by striking “507(a)(2),” and inserting
15 “507(a)(1)(A), 507(a)(1)(B),”,
16 (28) in section 726(b) by striking “or (8)” and
17 inserting “(8), (9), or (10)”,
18 (29) in section 901(a)—
19 (A) by inserting “333,” after “301,” and
20 (B) by inserting “351,” after “350(b)”,
21 (30) in section 1104—
22 (A) in subsection (a)
23 (i) in paragraph (1) by inserting “or”
24 at the end,

1 (ii) in paragraph (2) by striking “;
2 or” and inserting a period, and

3 (iii) by striking paragraph (3), and

4 (B) in subsection (b)(2)(B)(ii) by striking
5 “subsection (d)” and inserting “subsection (a)”,
6 (31) in section 1106(a)—

7 (A) in paragraph (1) by striking “704”
8 and inserting “704(a)”, and

9 (B) in paragraph (2) by striking “521(1)”
10 and inserting “521(a)(1)”,

11 (32) in section 1111(a) by striking “521(1)”
12 and inserting “521(a)(1)”,

13 (33) amending section 1112—

14 (A) in subsection (b)—

15 (i) by amending paragraph (1) to read
16 as follows:

17 “(1) Except as provided in paragraph (2) and sub-
18 section (c), on request of a party in interest, and after
19 notice and a hearing, the court shall convert a case under
20 this chapter to a case under chapter 7 or dismiss a case
21 under this chapter, whichever is in the best interests of
22 creditors and the estate, for cause unless the court deter-
23 mines that the appointment under section 1104(a) of a
24 trustee or an examiner is in the best interests of creditors
25 and the estate.”, and

1 (ii) in paragraph (2)—

2 (I) by striking the matter pre-
3 ceding subparagraph (A) and insert-
4 ing the following:

5 “(2) The court may not convert a case under this
6 chapter to a case under chapter 7 or dismiss a case under
7 this chapter if the court finds and specifically identifies
8 unusual circumstances establishing that converting or dis-
9 missing the case is not in the best interests of creditors
10 and the estate, and the debtor or any other party in inter-
11 est establishes that—”, and

12 (II) in subparagraph (B) by
13 striking “granting such relief” and in-
14 serting “converting or dismissing the
15 case”, and

16 (B) in subsection (e) by striking
17 “521” and inserting “521(a)”,

18 (34) in section 1127(f)(1) by striking “sub-
19 section (a)” and inserting “subsection (e)”,

20 (35) in section 1129(a)(16) by striking “of the
21 plan” and inserting “under the plan”,

22 (36) in section 1141(d)(5)—

23 (A) in subparagraph (B)—

24 (i) in clause (i) by striking “and” at
25 the end; and

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

3 “(iii) subparagraph (C) permits the court
4 to grant a discharge; and”, and

5 (B) in subparagraph (C)—

6 (i) by striking “unless” and inserting
7 “the court may grant a discharge if”,

8 (ii) in clause (ii) by striking the pe-
9 riod at the end and inserting a semicolon,
10 and

11 (iii) by adding at the end the fol-
12 lowing:

13 “and if the requirements of subparagraph (A) or (B)
14 are met.”,

15 (37) in section 1145(b) by striking “2(11)”
16 each place it appears and inserting “2(a)(11)”,

17 (38) in section 1202(b)—

18 (A) in paragraph (1) by striking “704(2),
19 704(3), 704(5), 704(6), 704(7), and 704(9)”
20 and inserting “704(a)(2), 704(a)(3), 704(a)(5),
21 704(a)(6), 704(a)(7), and 704(a)(9)”, and

22 (B) in paragraph (5) by striking “704(8)”
23 and inserting “704(a)(8)”,

24 (39) in section 1302(b)(1) by striking “704(2),
25 704(3), 704(4), 704(5), 704(6), 704(7), and

1 704(9)” and inserting “704(a)(2), 704(a)(3),
2 704(a)(4), 704(a)(5), 704(a)(6), 704(a)(7), and
3 704(a)(9)”,

4 (40) in section 1304(c) by striking “704(8)”
5 and inserting “704(a)(8)”,

6 (41) in section 1307—

7 (A) in subsection (c)—

8 (i) by striking “subsection (e)” and
9 inserting “subsection (f)”,

10 (ii) in paragraph (9) by striking
11 “521” and inserting “521(a)”, and

12 (iii) in paragraph (10) by striking
13 “521” and inserting “521(a)”, and

14 (B) in subsection (d) by striking “sub-
15 section (e)” and inserting “subsection (f)”,

16 (42) in section 1308(b)(2)—

17 (A) in subparagraph (A) by striking “para-
18 graph (1)” and inserting “paragraph (1)(A)”,

19 (B) in subparagraph (B) by striking
20 “paragraph (2)” and inserting “paragraph
21 (1)(B)”, and

22 (C) by striking “this subsection” each
23 place it appears and inserting “paragraph (1)”,

24 (43) in section 1322(a)—

1 (A) by striking “shall” the 1st place it ap-
 2 pears,

3 (B) in paragraph (1) by inserting “shall”
 4 after “(1)”,

5 (C) in paragraph (2) by inserting “shall”
 6 after “(2)”,

7 (D) in paragraph (3) by inserting “shall”
 8 after “claims,” and

9 (E) in paragraph (4) by striking “a plan”,
 10 (44) in section 1325—

11 (A) in the last sentence of subsection (a)
 12 by inserting “period” after “910-day”, and

13 (B) in subsection (b)(2)(A)(ii) by striking
 14 “548(d)(3)” and inserting “548(d)(3))”,

15 (45) in the heading of section 1511 by inserting
 16 “, **302,**” after “**301**”,

17 (46) in section 1519(f) by striking “362(n)”
 18 and inserting “362(o)”,

19 (47) in section 1521(f) by striking “362(n)”
 20 and inserting “362(o)”,

21 (48) in section 1529(1) by inserting “is” after
 22 “States”,

23 (49) in the table of sections of chapter 3, by
 24 striking the item relating to section 333 and insert-
 25 ing the following:

“333. Appointment of patient care ombudsman.”,

1 and

2 (50) in the table of sections of chapter 5, by
3 striking the item relating to section 562 and insert-
4 ing the following:

“562. Timing of damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, and master netting agreements.”.

5 (b) TITLE 18 OF THE UNITED STATES CODE.—Sec-
6 tion 157 of title 18, United States Code is amended—

7 (1) in paragraph (1) by striking “bankruptcy”,
8 and

9 (2) in paragraphs (2) and (3) by striking “, in-
10 cluding a fraudulent involuntary bankruptcy petition
11 under section 303 of such title”.

12 (c) TITLE 28 OF THE UNITED STATES CODE.—

13 (1) AMENDMENT RELATING TO APPEALS.—Sec-
14 tion 158(d)(2)(D) of title 28 of the United States
15 Code is amended by striking “appeal in” and insert-
16 ing “appeal is”.

17 (2) AMENDMENT RELATING TO BANKRUPTCY
18 STATISTICS.—Section 159(c)(3)(H) of title 28 of the
19 United States Code is amended by inserting “the”
20 after “against”.

21 (3) TECHNICAL AMENDMENTS.—Section 586(a)
22 of title 28 of the United States Code is amended—

1 (A) in paragraph (3)(A)(ii) is amended by
2 striking the period at the end and inserting a
3 semicolon,

4 (B) in paragraph (7)(C) by striking “iden-
5 tify” and inserting “determine”, and

6 (C) in paragraph (8) by striking “the
7 United States trustee shall”.

8 **SEC. 3. TECHNICAL CORRECTION TO PUBLIC LAW 109–8.**

9 Section 1406(b)(1) of Public Law 109–8 is amended
10 by striking “cept” and inserting “Except”.

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