

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6198

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

Received; read twice and referred to the Committee on the Judiciary

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Bankruptcy Technical  
3 Corrections Act of 2010”.

4 **SEC. 2. TECHNICAL CORRECTIONS RELATING TO AMEND-**  
5 **MENTS MADE BY PUBLIC LAW 109-8.**

6 (a) TITLE 11 OF THE UNITED STATES CODE.—Title  
7 11 of the United States Code is amended—

8 (1) in section 101—

9 (A) in paragraph (13A)—

10 (i) in subparagraph (A) by inserting  
11 “if used as the principal residence by the  
12 debtor” after “structure” the 1st place it  
13 appears, and

14 (ii) in subparagraph (B) by inserting  
15 “if used as the principal residence by the  
16 debtor” before the period at the end,

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

19 (C) in paragraph (40B) by striking “writ-  
20 ten document relating to a patient or a” and in-  
21 serting “record relating to a patient, including  
22 a written document or a”,

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

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

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

4 (G) by redesignating paragraphs (56A)  
5 and (53D) as (53D) and (53E), respectively,

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

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

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

11 (5) in section 107(a) by striking “subsection (b)  
12 of this section” and inserting “subsections (b) and  
13 (c)”

14 (6) in section 109—

15 (A) in subsection (b)(3)(B) by striking  
16 “1978” and inserting “1978)”, and

17 (B) in subsection (h)(1)—

18 (i) by inserting “other than paragraph  
19 (4) of this subsection” after “this section”,  
20 and

21 (ii) by striking “preceding” and in-  
22 serting “ending on”,

23 (7) in section 110—

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

1 (B) in subsection (h)—

2 (i) in the last sentence of paragraph

3 (1)—

4 (I) by striking “a” and inserting  
5 “the”, and

6 (II) by inserting “or on behalf  
7 of” after “from”,

8 (ii) in paragraph (3)(A)—

9 (I) by striking “found to be in  
10 excess of the value of any services”,  
11 and

12 (II) in clause (i) by inserting  
13 “found to be in excess of the value of  
14 any services” after “(i)”, and

15 (iii) in paragraph (4) by striking  
16 “paragraph (2)” and inserting “paragraph  
17 (3)”,

18 (8) in section 111(d)(1)(E)—

19 (A) by striking the period at the end and  
20 insert “; and”, and

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

23 (9) in section 303 by redesignating subsection  
24 (l) as subsection (k),

25 (10) in section 308(b)—

- 1 (A) by striking “small business debtor”  
2 and inserting “debtor in a small business case”,  
3 and  
4 (B) in paragraph (4)—  
5 (i) in subparagraph (A)—  
6 (I) by striking “(A)”, and  
7 (II) by redesignating clauses (i)  
8 and (ii) as subparagraphs (A) and  
9 (B), respectively,  
10 (ii) in subparagraph (B)—  
11 (I) by striking “(B)” and insert-  
12 ing “(5)”,  
13 (II) by striking “subparagraph  
14 (A)(i)” and inserting “paragraph  
15 (4)(A)”, and  
16 (III) by striking “subparagraph  
17 (A)(ii)” and inserting “paragraph  
18 (4)(B)”,  
19 (iii) by redesignating subparagraph  
20 (C) as paragraph (6), and  
21 (11) in section 348—  
22 (A) in subsection (b)—  
23 (i) by striking “728(a), 728(b),”, and  
24 (ii) by striking “1146(a), 1146(b),”,  
25 and

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

3 (12) in section 362—

4 (A) in subsection (a)(8)—

5 (i) by striking “corporate debtor’s”,  
6 and

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

10 (B) in subsection (c)—

11 (i) in paragraph (3), in the matter  
12 preceding subparagraph (A), by inserting  
13 “a” after “against”, and

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

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

19 (D) in subsection (l)(2) by striking  
20 “nonbankruptcy” and inserting “nonbank-  
21 ruptey”,

22 (13) in section 363(d)—

23 (A) in the matter preceding paragraph (1)  
24 by striking “only”,

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

3 “(1) in the case of a debtor that is a corpora-  
4 tion or trust that is not a moneyed business, com-  
5 mercial corporation, or trust, only in accordance  
6 with nonbankruptcy law applicable to the transfer of  
7 property by a debtor that is such a corporation or  
8 trust; and”, and

9 (C) in paragraph (2) by inserting “only”  
10 after “(2)”,

11 (14) in section 505(a)(2)(C) by striking “any  
12 law (other than a bankruptcy law)” and inserting  
13 “applicable nonbankruptcy law”,

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

16 (16) in section 521(a)—

17 (A) in paragraph (2)—

18 (i) in subparagraph (A)—

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

20 and

21 (II) by adding “and” at the end,

22 (ii) in subparagraph (B)—

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

24 and

1 (II) by striking “and” at the end,

2 and

3 (iii) in subparagraph (C) by striking

4 “(C)” and inserting the following:

5 “except that”, and

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

7 “is” after “auditor”,

8 (17) in section 522—

9 (A) in subsection (b)(3)(A)—

10 (i) by striking “at” the 1st place it

11 appears and inserting “to”, and

12 (ii) by striking “at” the 2d place it

13 appears and inserting “in”, and

14 (B) in subsection (e)(1) by striking “sec-

15 tion 523(a)(5)” and inserting “such para-

16 graph”,

17 (18) in section 523(a)—

18 (A) in paragraph (2)(C)(ii)(II) by striking

19 the period at the end and inserting a semicolon,

20 and

21 (B) in paragraph (3) by striking “521(1)”

22 and inserting “521(a)(1)”,

23 (19) in section 524(k)—

24 (A) in the last undesignated paragraph of

25 the quoted matter in paragraph (3)(J)(i)—



1 (i) by striking “security property” the  
2 1st place it appears and inserting “prop-  
3 erty securing the lien”,

4 (ii) by striking “current value of the  
5 security property” and inserting “amount  
6 of the allowed secured claim”, and

7 (iii) in the last sentence by inserting  
8 “must” after “you”, and

9 (B) in paragraph (5)(B) by striking “that”  
10 and inserting “that,”,

11 (20) in section 526(a)—

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

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

16 (21) in the 3d sentence of the 4th undesignated  
17 paragraph of the quoted matter in section 527(b),  
18 by striking “Schedules and Statement of Financial  
19 Affairs, as well as in some cases a Statement of In-  
20 tention” and inserting “Schedules, and Statement of  
21 Financial Affairs, and in some cases a Statement of  
22 Intention,”,

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

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

3           (24) in section 704(a)(3) by striking  
4 “521(2)(B)” and inserting “521(a)(2)(B)”,

5           (25) in section 707—

6                 (A) in subsection (a)(3) by striking “521”  
7 and inserting “521(a)”, and

8                 (B) in subsection (b)—

9                         (i) in paragraph (2)(A)(iii)(I) by in-  
10 sserting “of the filing” after “date”, and

11                        (ii) in paragraph (3) by striking “sub-  
12 paragraph (A)(i) of such paragraph” and  
13 inserting “paragraph (2)(A)(i)”,

14           (26) in section 723(c) by striking “Notwith-  
15 standing section 728(c) of this title, the” and insert-  
16 ing “The”,

17           (27) in section 724(b)(2)—

18                 (A) by striking “507(a)(1)” and inserting  
19 “507(a)(1)(C) or 507(a)(2)”,

20                 (B) by inserting “under each such section”  
21 after “expenses” the 1st place it appears,

22                 (C) by striking “chapter 7 of this title”  
23 and inserting “this chapter”, and

24                 (D) by striking “507(a)(2),” and inserting  
25 “507(a)(1)(A), 507(a)(1)(B),”,

1 (28) in section 726(b) by striking “or (8)” and  
2 inserting “(8), (9), or (10)”,

3 (29) in section 901(a)—

4 (A) by inserting “333,” after “301,” and

5 (B) by inserting “351,” after “350(b)”,

6 (30) in section 1104—

7 (A) in subsection (a)

8 (i) in paragraph (1) by inserting “or”  
9 at the end,

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

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

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

15 (31) in section 1106(a)—

16 (A) in paragraph (1) by striking “704”  
17 and inserting “704(a)”, and

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

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

22 (33) amending section 1112—

23 (A) in subsection (b)—

24 (i) by amending paragraph (1) to read  
25 as follows:

1       “(1) Except as provided in paragraph (2) and sub-  
2 section (c), on request of a party in interest, and after  
3 notice and a hearing, the court shall convert a case under  
4 this chapter to a case under chapter 7 or dismiss a case  
5 under this chapter, whichever is in the best interests of  
6 creditors and the estate, for cause unless the court deter-  
7 mines that the appointment under section 1104(a) of a  
8 trustee or an examiner is in the best interests of creditors  
9 and the estate.”, and

10                               (ii) in paragraph (2)—

11                               (I) by striking the matter pre-  
12                               ceding subparagraph (A) and insert-  
13                               ing the following:

14       “(2) The court may not convert a case under this  
15 chapter to a case under chapter 7 or dismiss a case under  
16 this chapter if the court finds and specifically identifies  
17 unusual circumstances establishing that converting or dis-  
18 missing the case is not in the best interests of creditors  
19 and the estate, and the debtor or any other party in inter-  
20 est establishes that—”, and

21                               (II) in subparagraph (B) by  
22                               striking “granting such relief” and in-  
23                               serting “converting or dismissing the  
24                               case”, and

1 (B) in subsection (e) by striking  
2 “521” and inserting “521(a)”,  
3 (34) in section 1127(f)(1) by striking “sub-  
4 section (a)” and inserting “subsection (e)”,  
5 (35) in section 1129(a)(16) by striking “of the  
6 plan” and inserting “under the plan”,  
7 (36) in section 1141(d)(5)—  
8 (A) in subparagraph (B)—  
9 (i) in clause (i) by striking “and” at  
10 the end; and  
11 (ii) by adding at the end the fol-  
12 lowing:  
13 “(iii) subparagraph (C) permits the court  
14 to grant a discharge; and”, and  
15 (B) in subparagraph (C) —  
16 (i) by striking “unless” and inserting  
17 “the court may grant a discharge if”,  
18 (ii) in clause (ii) by striking the pe-  
19 riod at the end and inserting a semicolon,  
20 and  
21 (iii) by adding at the end the fol-  
22 lowing:  
23 “and if the requirements of subparagraph (A) or (B)  
24 are met.”,

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

3           (38) in section 1202(b)—

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

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

10          (39) in section 1302(b)(1) by striking “704(2),  
11 704(3), 704(4), 704(5), 704(6), 704(7), and  
12 704(9)” and inserting “704(a)(2), 704(a)(3),  
13 704(a)(4), 704(a)(5), 704(a)(6), 704(a)(7), and  
14 704(a)(9)”,

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

17          (41) in section 1307—

18           (A) in subsection (c)—

19           (i) by striking “subsection (e)” and  
20 inserting “subsection (f)”,

21           (ii) in paragraph (9) by striking  
22 “521” and inserting “521(a)”, and

23           (iii) in paragraph (10) by striking  
24 “521” and inserting “521(a)”, and

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

3 (42) in section 1308(b)(2)—

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

6 (B) in subparagraph (B) by striking  
7 “paragraph (2)” and inserting “paragraph  
8 (1)(B)”, and

9 (C) by striking “this subsection” each  
10 place it appears and inserting “paragraph (1)”,  
11 (43) in section 1322(a)—

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

14 (B) in paragraph (1) by inserting “shall”  
15 after “(1)”,

16 (C) in paragraph (2) by inserting “shall”  
17 after “(2)”,

18 (D) in paragraph (3) by inserting “shall”  
19 after “claims,” and

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

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

24 (B) in subsection (b)(2)(A)(ii) by striking  
25 “548(d)(3)” and inserting “548(d)(3))”,

1 (45) in the heading of section 1511 by inserting  
2 “, **302,**” after “**301**”,

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

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

7 (48) in section 1529(1) by inserting “is” after  
8 “States”,

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

“333. Appointment of patient care ombudsman.”, and

12 (50) in the table of sections of chapter 5, by  
13 striking the item relating to section 562 and insert-  
14 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.”.

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

17 (1) in paragraph (1) by striking “bankruptcy”,  
18 and

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

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



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

5           (2) AMENDMENT RELATING TO BANKRUPTCY  
6           STATISTICS.—Section 159(c)(3)(H) of title 28 of the  
7           United States Code is amended by inserting “the”  
8           after “against”.

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

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

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

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

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

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

          Passed the House of Representatives September 28,  
2010.

Attest:

LORRAINE C. MILLER,

*Clerk.*