

INVOLUNTARY BANKRUPTCY IMPROVEMENT ACT OF 2003

MAY 19, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 1529]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1529) to amend title 11 of the United States Code with respect to the dismissal of certain involuntary cases, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 1529, the “Involuntary Bankruptcy Improvement Act of 2003,” is intended to provide relief to victims of fraudulent involuntary bankruptcy filings in two respects. First, it amends the Bankruptcy Code to require the bankruptcy court on motion of the debtor to expunge all records relating to a fraudulent involuntary bankruptcy case from the court’s files where the debtor is an individual.

Second, it authorizes the bankruptcy court to prohibit all credit reporting agencies from issuing a consumer report containing any reference to a fraudulent involuntary bankruptcy case where the debtor is an individual and the court dismissed the case.

#### BACKGROUND AND NEED FOR THE LEGISLATION

On April 1, 2003, Chairman Sensenbrenner, introduced H.R. 1529, the “Involuntary Bankruptcy Improvement Act of 2003,” to provide relief to victims of fraudulent involuntary bankruptcy petitions.

Current law provides that a person can voluntarily commence a bankruptcy case<sup>1</sup> or be involuntarily forced into bankruptcy, under certain circumstances.<sup>2</sup> With respect to involuntary bankruptcy, one or more creditors (meeting specified criteria)<sup>3</sup> can file an involuntary petition for bankruptcy relief under chapter 7 (liquidation) or chapter 11 (business reorganization) of the Bankruptcy Code against an individual as well as certain types of business entities,<sup>4</sup> if grounds for granting such relief are established.<sup>5</sup> If the person who is the subject of an involuntary bankruptcy petition does not timely oppose the petition, the court enters an “order for relief,” which formally commences the bankruptcy case.<sup>6</sup> If the involuntary petition is opposed by the putative debtor, then the court must conduct a trial to determine if the debtor should be adjudicated a bankrupt.<sup>7</sup> Should the court dismiss an involuntary petition (other than on consent of the debtor), the court may impose various sanctions against the party who filed the involuntary bankruptcy petition, such as costs, reasonable attorneys’ fees, and punitive damages, if appropriate under the circumstances.<sup>8</sup>

Although fewer than 1 percent of all bankruptcy case filings are commenced involuntarily,<sup>9</sup> an involuntary bankruptcy petition can serve as a useful creditor collection tool. For example, it can preserve assets from further dissipation and provide for their orderly liquidation by a bankruptcy trustee, a fiduciary charged by statute to protect such assets and maximize their value for the benefit of creditors.

As with most documents filed in connection with a bankruptcy case, the filing of an involuntary bankruptcy petition is a matter

<sup>1</sup> 11 U.S.C. § 301 (2000).

<sup>2</sup> 11 U.S.C. § 303 (2000).

<sup>3</sup> 11 U.S.C. § 303(b) (2000). If, for example, the alleged debtor has less than 12 creditors, a single creditor holding a claim of at least \$11,625 can commence an involuntary petition. 11 U.S.C. § 303(b)(2) (2000).

<sup>4</sup> 11 U.S.C. § 303(a) (2000). Certain individuals and entities, such as farmers and eleemosynary institutions, cannot be involuntarily forced into bankruptcy. *Id.*

<sup>5</sup> A court may grant an involuntary bankruptcy petition only if:

(1) the debtor is generally not paying such debtor’s debts as such debts become due unless such debts are the subject of a bona fide dispute; or

(2) within 120 days before the date of the filing of the petition, a custodian, other than a trustee, receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.

11 U.S.C. § 303(h) (2000).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> 11 U.S.C. § 303(i) (2000).

<sup>9</sup> 2 COLLIER ON BANKRUPTCY ¶ 303.01 (Alan N. Resnick & Henry J. Sommer eds., 15th ed. rev. 2002). According to the Administrative Office of the U.S. Courts, only 661 involuntary chapter 7 cases and 110 involuntary chapter 11 cases were commenced out of more than 1.5 million bankruptcy case filings for fiscal year 2002.

of public record and is open for examination by any entity.<sup>10</sup> In addition, the Fair Credit Reporting Act<sup>11</sup> permits credit reporting agencies to note the involuntary bankruptcy filing on a person's credit report for up to 10 years.<sup>12</sup> Although the Fair Credit Reporting Act permits a consumer to have his or her credit report revised to reflect the fact, for instance, that the involuntary bankruptcy case was dismissed prior to the entry of an order for relief, the report may, nevertheless, still refer to the filing of the case.<sup>13</sup>

Unfortunately, tax protesters and other extremists, in addition to other forms of obstreperous litigation (such as filing false liens), are now resorting to filing fraudulent involuntary bankruptcy petitions against public officials and other innocent parties. Last year, for example, one tax protester filed fraudulent involuntary bankruptcy petitions against 36 local public officials in Wisconsin,<sup>14</sup> some of whom did not find out about the petitions until "they attempted to use a credit card or execute some other financial transaction."<sup>15</sup> These filings were subsequently dismissed by the bankruptcy court, which found that they were filed in bad faith without legal basis and were commenced "for the sole purpose of harassment of the named public officials."<sup>16</sup>

"Despite the fact that the [fraudulent involuntary bankruptcy] petitions are often dismissed," as one State assistant attorney general observed, "the filings continue to cause financial problems for the victims."<sup>17</sup> The devastating effect of a fraudulent involuntary bankruptcy filing on an innocent person's credit rating is illustrated by what occurred in Wisconsin and its aftermath. Although the bankruptcy court in dismissing these cases also directed all credit reporting agencies to expunge any record of these filings from the officials' credit reports,<sup>18</sup> the bankruptcy petition filings nevertheless "caused some officials' credit cards to be canceled, almost caused the sale of one supervisor's house to be stopped, and caused continuing credit problems for other officials."<sup>19</sup> As the Chairman of the Ozaukee County Board explained, "This has resulted in notations of bankruptcy in our personal credit history with all credit agencies, causing the disruption of the use of our

<sup>10</sup> 11 U.S.C. § 107 (2000).

<sup>11</sup> 15 U.S.C. § 1681 (2000).

<sup>12</sup> 15 U.S.C. § 1681c(a)(1) (2000).

<sup>13</sup> See, e.g., 15 U.S.C. § 1681i (2000); Letter from Ronald G. Isaac, Attorney, Federal Trade Commission—Division of Financial Practices/Bureau of Consumer Protection, to Anonymous (Nov. 5, 1999), available at <http://www.ftc.gov/os/statutues/frca/anon.htm>.

<sup>14</sup> See *In re Kenealy et al.*, No. 02–26100–MDM (Bankr. E.D. Wis. May 21, 2002). Involuntary petitions "were filed against all but one of the County Board supervisors," the county corporation counsel, county sheriff, clerk of courts, and county circuit judge. Jeff Cole, *Paperwork Used for Revenge; Protester's Bogus Bankruptcy Petitions Temporarily Disrupt Officials' Credit*, MILWAUKEE J. SENTINEL, June 6, 2002, at 1B. The protester also filed numerous liens in the amount of \$15 million against these individuals as well. Jeff Cole, *Man Charged with Filing False Documents; Town of Fredonia Protester's Case is 5th Brought by State*, MILWAUKEE J. SENTINEL, May 21, 2002, at 1B.

<sup>15</sup> Jeff Cole, *Paperwork Used for Revenge; Protester's Bogus Bankruptcy Petitions Temporarily Disrupt Officials' Credit*, MILWAUKEE J. SENTINEL, June 6, 2002, at 1B.

<sup>16</sup> *In re Kenealy et al.*, No. 02–26100–MDM (Bankr. E.D. Wis. May 21, 2002).

<sup>17</sup> Roy Korte, *Terrorism: A Law Enforcement Perspective*, Anti-Defamation League (2002), at <http://www.adl.org/learn/columns/roy5%5korte.asp>.

<sup>18</sup> *In re Kenealy et al.*, No. 02–26100–MDM (Bankr. E.D. Wis. May 21, 2002).

<sup>19</sup> Jeff Cole, "Paper Terrorist" Gets Five Years in Prison, MILWAUKEE J. SENTINEL, Jan. 18, 2003, at 1B.

credit cards and other financial dealings, not to mention increased cost in mortgage interest.”<sup>20</sup>

While abusive involuntary bankruptcy filings are not pervasive, they have been filed in various districts across the nation, according to an informal survey conducted by the Administrative Office of the United States Courts and the National Conference of Bankruptcy Clerks.<sup>21</sup> In the Southern District of Ohio, for example, one person filed fraudulent involuntary bankruptcy petitions last year against a Federal district court judge, an Internal Revenue Service agent, and two attorneys in private practice.<sup>22</sup> He also attempted to file an involuntary petition against a bankruptcy judge.<sup>23</sup> Another individual in that same district filed fraudulent involuntary petitions against a tow truck operator and a private individual.<sup>24</sup> In Maine, involuntary petitions were filed last year by an incarcerated prisoner against the chief federal district court judge and the United States Attorney.<sup>25</sup> Abusive involuntary bankruptcy petitions have also been filed in Nebraska and North Carolina.<sup>26</sup> In the Central District of California alone, it is estimated that approximately 11% of involuntary bankruptcy petitions commenced in that district over a 27-month period were likely filed in bad faith.<sup>27</sup>

In addition, the use of fraudulent involuntary bankruptcy petitions is recognized as a “new tactic of anti-government extremists.”<sup>28</sup> Describing these tactics as “an abuse” of the courts, one bankruptcy clerk stated, “This is a problem that is growing in scope and is damaging the credit and reputations of many innocent victims.”<sup>29</sup> Organizations, such as the Anti-Defamation League and the National District Attorneys Association,<sup>30</sup> for example, have expressed concern that this tactic “might become widespread.”<sup>31</sup>

<sup>20</sup> Letter from Gustav W. Wirth, Jr., Chairman, Ozaukee County Board, to F. James Sensenbrenner, Jr., Chairman, Committee on the Judiciary (July 25, 2002) (on file with the Subcommittee on Commercial and Administrative Law).

<sup>21</sup> E-mails from Mark Evans, Counsel, Office of Legislative Affairs, Administrative Office of the U.S. Courts, to Susan Jensen, Attorney, Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary (Apr. 16, 2003) (on file with the Subcommittee).

<sup>22</sup> *Jury Convicts Protester of Obstruction, Bankruptcy Fraud*, States News Service, May 23, 2002; Kevin Mayhood, *Tax-Protester's Friend Accused of Obstruction*, COLUMBUS (OHIO) DISPATCH, Apr. 3, 2002, at 3B; telephone interview with Keith Brown, Deputy Clerk in Charge, U.S. Bankruptcy Court, S.D. Ohio (May 2, 2003); telephone interview with Michael D. Webb, Clerk, U.S. Bankruptcy Court, S.D. Ohio (May 1, 2003); telephone interview with Mark D'Alessandro, Assistant U.S. Attorney, S.D. Ohio (May 1, 2003).

<sup>23</sup> Telephone interview with Keith Brown, Deputy Clerk in Charge, U.S. Bankruptcy Court, S.D. Ohio (May 2, 2003).

<sup>24</sup> *Id.*

<sup>25</sup> Telephone interview with Celia E. Strickler, Clerk, U.S. Bankruptcy Court, D. Me. (May 1, 2003).

<sup>26</sup> E-mails from Mark Evans, Counsel, Office of Legislative Affairs, Administrative Office of the U.S. Courts to Susan Jensen, Attorney, Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary (Apr. 16, 2003) (on file with the Subcommittee); see Christopher Tritto, *Ohio Man Indicted on Federal Murder Charges*, CHARLESTON GAZETTE, Mar. 22, 2003, at 8C (reporting on a “false” involuntary petition filed by a person from North Carolina).

<sup>27</sup> Telephone interview with Wayne Wolf, President, National Conference of Bankruptcy Clerks (Apr. 10, 2003).

<sup>28</sup> Roy Korte, *Terrorism: A Law Enforcement Perspective*, Anti-Defamation League (2002), at <http://www.adl.org/learn/columns/roy5%5korte.asp>.

<sup>29</sup> E-mail from Mark Evans, Counsel, Office of Legislative Affairs, Administrative Office of the U.S. Courts, to Susan Jensen, Attorney, Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary (Apr. 16, 2003) (quoting Michael D. Webb, Clerk, U.S. Bankruptcy Court, S.D. Ohio) (on file with the Subcommittee).

<sup>30</sup> Letter from Daniel M. Alsobrooks, President, National District Attorneys Association, to F. James Sensenbrenner, Jr., Chairman, Committee on the Judiciary, May 2, 2003 (on file with Subcommittee on Commercial and Administrative Law).

<sup>31</sup> Jeff Cole, *Paperwork Used for Revenge; Protester's Bogus Bankruptcy Petitions Temporarily Disrupt Officials' Credit*, MILWAUKEE J. SENTINEL, June 6, 2002, at 1B (quoting Mark Pitcavage, National Director of Fact Finding, Anti-Defamation League). The Anti-Defamation League has

H.R. 1529 responds to the problems presented by fraudulent involuntary bankruptcy filings in two respects. First, it amends the Bankruptcy Code to require the bankruptcy court on motion of the debtor to expunge from the court's file all records relating to a fraudulent involuntary petition where the debtor is an individual and the court dismissed the petition. Second, the bill amends the Bankruptcy Code to authorize a bankruptcy court to prohibit all credit reporting agencies from issuing a consumer report containing any information regarding the fraudulent involuntary bankruptcy petition or the case commenced by such petition where the debtor is an individual and the court dismissed the petition.

#### HEARINGS

No hearings were held on H.R. 1529, the "Involuntary Bankruptcy Improvement Act of 2003."

#### COMMITTEE CONSIDERATION

On May 7, 2003, the Committee met in open session and ordered favorably reported the bill H.R. 1529 without amendment by voice vote, a quorum being present.

#### VOTE OF THE COMMITTEE

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during the consideration of H.R. 1529.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

#### PERFORMANCE GOALS AND OBJECTIVES

H.R. 1529 does not authorize funding. Therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives is inapplicable.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1529, the following estimate and comparison prepared

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reported other instances of abusive involuntary bankruptcy petitions by "sovereign citizens." See, e.g., *Extremist-Related Criminal Activity*, Anti-Defamation League (Feb. 16, 2001), at <http://www.adl.org/learn/criminal%5Factivity/feb5F01.asp>.

by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 16, 2003.*

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*  
*Committee on the Judiciary,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1529, the “Involuntary Bankruptcy Improvement Act of 2003.”

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact are Lanette J. Walker (for Federal costs), who can be reached at 226–2860, and Paige Piper/Bach (for the impact on the private sector), who can be reached at 226–2940.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure

cc: Honorable John Conyers, Jr.  
Ranking Member

*H.R. 1529—Involuntary Bankruptcy Improvement Act of 2003.*

H.R. 1529 would require the Federal courts to expunge court records relating to a petition to initiate involuntary bankruptcy that is found to contain false or fraudulent statements. Based on information from the Administrative Office of the United States Courts, CBO estimates that the cost to expunge such records would have no significant impact on the Federal budget. Enacting H.R. 1529 would not affect direct spending or revenues.

H.R. 1529 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments.

H.R. 1529 would impose a private-sector mandate, as defined in UMRA, on consumer reporting agencies. The bill would give Federal bankruptcy judges the authority to prohibit consumer reporting agencies from issuing a report containing any information relating to certain involuntary bankruptcy petitions the court has dismissed. In the event that the court uses such authority, the duty to comply with the prohibition would be considered a private-sector mandate under UMRA. According to industry representatives, the current practice of consumer reporting agencies is to not report any information when a court dismisses an involuntary bankruptcy petition. Therefore, CBO estimates that the cost of complying with such a mandate would be minimal, if any, and would fall well below the annual threshold established by UMRA for private-sector mandates (\$117 million in 2003, adjusted annually for inflation).

The CBO staff contacts for this estimate are Lanette J. Walker (for Federal costs), who can be reached at 226–2860, and Paige Piper/Bach (for the impact on the private sector), who can be reached at 226–2940. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8, clause 4 of the Constitution.

## SECTION-BY-SECTION ANALYSIS AND DISCUSSION

*Section 1. Short Title.* Section 1 of H.R. 1529 sets forth the short title of the bill as the “Involuntary Bankruptcy Improvement Act of 2003.”

*Section 2. Amendment.* Section 2 of H.R. 1529 amends section 303 of the Bankruptcy Code in two respects. First, it adds a provision to section 303 requiring the bankruptcy court on motion of the debtor to expunge from the court’s file all records relating to the filing of an involuntary bankruptcy petition and any references to such petition, under certain conditions. Those conditions are: (1) the petition is false or contains any materially false, fictitious, or fraudulent statement; (2) the debtor is an individual; and (3) the petition was dismissed by the court.

Section 2 of the bill also amends Bankruptcy Code section 303 to authorize a bankruptcy court to prohibit all credit reporting agencies from issuing a consumer report that contains any information relating to the involuntary bankruptcy petition or to the case commenced by such petition where the debtor is an individual and the court has dismissed the petition.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

## SECTION 303 OF TITLE 11, UNITED STATES CODE

## § 303. Involuntary cases

(a) \* \* \*

\* \* \* \* \*

(1)(1) *If—*

*(A) the petition under this section is false or contains any materially false, fictitious, or fraudulent statement;*

*(B) the debtor is an individual; and*

*(C) the court dismisses such petition;*

*the court, upon motion of the debtor, shall expunge from the records of the court such petition, all the records relating to such petition in particular, and all references to such petition.*

*(2) If the debtor is an individual and the court dismisses a petition under this section, the court may enter an order prohibiting all consumer reporting agencies (as defined in section 603 of the Fair Credit Reporting Act) from making any consumer report (as defined in section 603 of the Fair Credit Reporting Act) that contains any information relating to such petition or to the case commenced by the filing of such petition.*

MARKUP TRANSCRIPT  
**BUSINESS MEETING**  
**WEDNESDAY, MAY 7, 2003**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10:00 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. [Chairman of the Committee] presiding.

[Intervening business.]

Chairman SENSENBRENNER. The next item on the agenda pursuant to notice, I now call up the bill H.R. 1529, the “Involuntary Bankruptcy Improvement Act of 2003,” for purposes of markup and move its favorable recommendation to the full House. Without objection, the bill will be considered as read and open for amendment at any point.

[The bill, H.R. 1529, follows:]



108TH CONGRESS  
1ST SESSION

# H. R. 1529

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2003

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

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## 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. AMENDMENT.**

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 of the Fair Credit Reporting Act)  
14 from making any consumer report (as defined in section  
15 603 of the Fair Credit Reporting Act) that contains any  
16 information relating to such petition or to the case com-  
17 menced by the filing of such petition.”.

Chairman SENSENBRENNER. And I recognize myself for 5 minutes to explain the bill.

Under current law, a debtor can voluntarily commence a bankruptcy or involuntarily case be forced into bankruptcy by one or more creditors. Although rarely used, an involuntary bankruptcy petition can be a useful creditor collection tool that can preserve assets from further dissipation and provide for their orderly liquidation by the trustee.

Unfortunately, tax protesters and other extremists are now resorting to filing fraudulent involuntary bankruptcy petitions against public officials and private individuals as yet another weapon in their arsenal of mischievous litigation tactics such as filing false liens.

Last year, for example, a tax protester filed fraudulent involuntary bankruptcy petitions against 36 local public officials, including the sheriff, nearly every member of the county board of supervisors, and a county circuit court judge in my district in Wisconsin. Some of these individuals only discovered that they were the subject of a pending involuntary bankruptcy after their lines of credit were terminated or they were charged higher interest rates.

Worse yet, an involuntary bankruptcy filing, as with most bankruptcy cases, is a matter of public record and can appear on an individual's credit report for up to 10 years, even if the involuntary bankruptcy is fraudulent and the case is dismissed by the court. As a result, innocent individuals continue to experience credit problems long after these abusive cases are dismissed.

While abusive involuntary bankruptcy filings are not pervasive, they have occurred in various districts across the Nation. According to an informal survey conducted by the Administrative Office of the U.S. Courts and the National Conference of Bankruptcy Clerks, fraudulent involuntary bankruptcies have been filed in California, Ohio, Maine, Nebraska and North Carolina.

Indeed, organizations such as the Anti-Defamation League and the National District Attorneys Association have expressed concern that this litigation tactic may become even more widespread.

This bill responds to the problems presented by abusive involuntary bankruptcy filings in two respects. First, it amends the Bankruptcy Code to require the bankruptcy court, on the motion of the debtor, to expunge all records relating to a fraudulent involuntary bankruptcy from the court's files under certain conditions.

Second, it authorizes the bankruptcy court to prohibit all credit reporting agencies from issuing a consumer report containing any reference to a fraudulent involuntary bankruptcy where the debtor is an individual and the court has dismissed the petition.

I urge the support of this legislation. Yield back my time. The gentleman from Virginia?

Mr. SCOTT. Thank you, Mr. Chairman. Mr. Chairman, this is a narrowly tailored bill to address a real problem. People subjected to this are hurt grievously, and this bill will do a lot to restore their good credit, and I support the bill and yield back the balance of my time.

Chairman SENSENBRENNER. All Members, with unanimous consent, may include opening statements in the record at this point.

Are there amendments? Are there amendments? There are no amendments. A reporting quorum is not present, and the previous question is ordered on the motion to report the bill favorably.

[Intervening business.]

The unfinished business is the bill H.R. 1529, the “Involuntary Bankruptcy Improvement Act of 2003.” The Chair notes the presence of a reporting quorum. The question is on reporting the bill favorably.

Those in favor will say aye.

Opposed, no.

The ayes appear to have it. The ayes have it. The motion is agreed to.

Without objection, the Chair is authorized to move to go to conference pursuant to House rules. Without objection, the staff is authorized to make technical and conforming changes, and all Members will be given 2 days, pursuant to House rules, in which to submit additional supplemental minority or dissenting views.

