

109TH CONGRESS
2^D SESSION

H. R. 5757

To amend title 11 of the United States Code with respect to converting chapter 7 cases of certain debtors who are victims of identity theft.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2006

Mr. BROWN of Ohio (for himself and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 11 of the United States Code with respect to converting chapter 7 cases of certain debtors who are victims of identity theft.

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. AMENDMENTS TO TITLE 11 OF THE UNITED**
4 **STATES CODE.**

5 Title 11 of the United States Code is amended—

6 (1) in section 101—

7 (A) by redesignating paragraph (23B) as
8 paragraph (23C), and

9 (B) by inserting after paragraph (23A) the
10 following:

1 “(23B) The term ‘identity theft’ means a fraud
2 committed by a person other than the debtor and
3 the debtor’s spouse, by using personally identifiable
4 information of the debtor.”, and

5 (2) in section 707(b) by adding at the end the
6 following:

7 “(8) No judge, United States trustee (or bankruptcy
8 administrator, if any), trustee, or other party in interest
9 may file a motion under paragraph (2) if the aggregate
10 amount of the allowed claims against the debtor (or in
11 a joint case, the debtor and the debtor’s spouse) that arose
12 in any 12-month period in the 3-year period ending on
13 the date of the commencement of the case and that re-
14 sulted from identity theft exceeds—

15 “(A) \$20,000 (or in a joint case, \$40,000);

16 “(B) 50 percent of the aggregate amount of all
17 allowed claims against the debtor (or in a joint case,
18 the debtor and the debtor’s spouse); or

19 “(C) 25 percent of the debtor’s (or in a joint
20 case, the debtor’s and such spouse’s) gross income
21 for the 12-month period in which the claims result-
22 ing from identity theft arose.”.

1 **SEC. 2. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

2 (a) EFFECTIVE DATE.—Except as provided in para-
3 graph (2), this Act and the amendments made by this Act
4 shall take effect on May 1, 2006.

5 (b) APPLICATION OF AMENDMENTS.—The amend-
6 ments made by this Act shall apply only with respect to
7 cases commenced under title 11 of the United States Code
8 on or after the effective date of this Act.

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