

LW: FACE
amendment**Bill Summary & Status for the 106th Congress****Item 310 of 321**

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S.AMDT.2763

Amends: S.625

Sponsor: Sen Schumer, Charles E. (submitted 11/5/1999) (proposed 11/8/1999)**AMENDMENT PURPOSE:**

To ensure that debts incurred as a result of clinic violence are nondischargeable.

TEXT OF AMENDMENT AS SUBMITTED: CR S14191**STATUS:****11/8/1999:**

Proposed by Senator Schumer.

11/9/1999:

Considered by Senate.

11/10/1999:

Considered by Senate.

11/16/1999:

Considered by Senate.

11/17/1999:

Considered by Senate.

1/26/2000:Considered by Senate. By Unanimous Consent. (consideration: CR S49)**1/31/2000:**Considered by Senate. (consideration: CR S135)**2/1/2000:**Considered by Senate. (consideration: CR S167)**2/2/2000:**Considered by Senate. (consideration: CR S226-232, S247; text: CR S226)**2/2/2000:**Amendment SA 2763 agreed to in Senate by Yea-Nay Vote. 80 - 17. Record Vote Number:
2.**COSPONSORS(9):**Sen Feinstein, Dianne - 11/5/1999Sen Leahy, Patrick J. - 11/5/1999Sen Murray, Patty - 11/5/1999Sen Lautenberg, Frank R. - 11/5/1999Sen Durbin, Richard J. - 11/5/1999Sen Snowe, Olympia J. - 2/2/2000Sen Reid, Harry M. - 2/2/2000Sen Jeffords, James M. - 2/2/2000Sen Kennedy, Edward M. - 2/2/2000

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SCHUMER (AND OTHERS) AMENDMENT NO. 2763 (Senate - November 05, 1999)

[Page: S14191] [GPO's PDF](#)

(Ordered to lie on the table.)

Mr. SCHUMER (for himself, Mrs. **Feinstein**, Mr. **Leahy**, Mrs. **Murray**, Mr. **Lautenberg**, and Mr. **Durbin**) submitted an amendment to be proposed by them to the bill, S. 625, supra; as follows:
On page 124, between lines 14 and 15, insert the following:

SEC. 322. NONDISCHARGEABILITY OF DEBTS INCURRED THROUGH THE COMMISSION OF VIOLENCE AT CLINICS.

Section 523(a) of title 11, United States Code, as amended by section 224 of this Act, is amended--

(1) in paragraph (18), by striking 'or' at the end;

(2) in paragraph (19)(B), by striking the period and inserting `; or'; and

(3) by adding at the end the following:

`(20) that results from any judgment, order, consent order, or decree entered in any Federal or State court, or contained in any settlement agreement entered into by the debtor, including any damages, fine, penalty, citation, or attorney fee or cost owed by the debtor, arising from--

`(A) an actual or potential action under section 248 of title 18;

`(B) an actual or potential action under any Federal, State, or local law, the purpose of which is to protect--

`(i) access to a health care facility, including a facility providing reproductive health services, as defined in section 248(e) of title 18 (referred to in this paragraph as a 'health care facility'); or

`(ii) the provision of health services, including reproductive health services (referred to in this paragraph as 'health services');

`(C) an actual or potential action alleging the violation of any Federal, State, or local statutory or common law, including chapter 96 of title 18 and the Federal civil rights laws (including sections 1977 through 1980 of the Revised Statutes) that results from the debtor's actual, attempted, or alleged--

`(i) harassment of, intimidation of, interference with, obstruction of, injury to, threat to, or violence against any person--

`(I) because that person provides or has provided health services;

`(II) because that person is or has been obtaining health services; or

`(III) to deter that person, any other person, or a class of persons from obtaining or providing health services; or

`(ii) damage or destruction of property of a health care facility; or

`(D) an actual or alleged violation of a court order or injunction that protects access to a health care facility or the provision of health services.'

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be practicable and appropriate, be in the form of a table which—

“(i) contains clear and concise headings for each item of such information; and

“(ii) provides a clear and concise form for stating each item of information required to be disclosed under each such heading.”

“(B) In prescribing the form of the table under subparagraph (A) of this paragraph, the Board may—

“(i) list the items required to be included in the table in a different order than the order set forth in paragraph (4)(A) of section 1637(c) of this title; and

“(ii) employ terminology which is different than the terminology which is employed in section 1637(c) of this title if such terminology conveys substantially the same meaning.”

SCHUMER (AND DURBIN) AMENDMENT NO. 2762

(Ordered to lie on the table.)

Mr. SCHUMER (for himself and Mr. DUNKIN) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

On page 9, line 12, strike “As part” and insert “Except as provided under clause (ii), as part”.

On page 9, insert between lines 17 and 18 the following:

“(ii) A debtor against whom a judge, United States trustee, panel trustee, bankruptcy administrator, or other party in interest may not, for the reason specified in subparagraph (D), bring a motion alleging abuse of this chapter based upon the presumption established by this paragraph, shall not be required to include calculations that determine whether a presumption arises under this paragraph as part of the schedule of current income and expenditures required under section 521.

On page 9, line 18, strike “(ii)” and insert “(iii)”.

On page 9, insert between lines 21 and 22 the following:

“(D)(i) No judge, United States trustee, panel trustee, bankruptcy administrator, or other party in interest shall bring a motion alleging abuse of this chapter based upon the presumption established by this paragraph, if the debtor and the debtor's spouse combined, as of the date of the order for relief, have current monthly total income equal to or less than the national or applicable State median household monthly income calculated (subject to clause (ii)) on a semi-annual basis for a household of equal size.

“(ii) For a household of more than 4 individuals, the national or applicable State median household monthly income shall be that of a household of 4 individuals, plus \$583 for each additional member of that household.

On page 11, line 9, strike “(A)” and insert “(A)(i) except as provided under clause (ii).”.

On page 11, insert between lines 14 and 15 the following:

“(ii) with respect to an individual debtor under this chapter against whom a judge, United States trustee, panel trustee, bankruptcy administrator, or other party in interest may not, for the reason specified in section 707(b)(2)(D), bring a motion alleging abuse of this chapter based upon the presumption established by section 707(b)(2), the United States trustee or bankruptcy administrator shall not be required to file with the court a statement as to whether the debtor's case would be presumed to be an abuse under section 707(b)(2); and

On page 11, line 19, strike “receiving” and insert “filing”.

On page 11, line 20, strike “filed”.

On page 14, strike lines 8 through 14 and insert the following:

“(5)(A) Only the judge, United States trustee, bankruptcy administrator, or panel trustee may bring a motion under section 707(b), if the current monthly income of the debtor and the debtor's spouse combined, as of the date of the order for relief, when multiplied by 12, is equal to or less than—

“(i) the national or applicable State median household income last reported by the Bureau of the Census for a household of equal size, whichever is greater; or

“(ii) in the case of a household of 1 person, the national or applicable State median household income last reported by the Bureau of the Census for 1 earner, whichever is greater.

“(B) Notwithstanding subparagraph (A), the national or applicable State median household income for a household of more than 4 individuals shall be the national or applicable State median household income last reported by the Bureau of the Census for a household of 4 individuals, whichever is greater, plus \$6,996 for each additional member of that household.”.

SCHUMER (AND OTHERS) AMENDMENT NO. 2763

(Ordered to lie on the table.)

Mr. SCHUMER (for himself, Mrs. FEINSTEIN, Mr. LEAHY, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. DURBIN) submitted an amendment to be proposed by them to the bill, S. 625, supra; as follows:

On page 124, between lines 14 and 15, insert the following:

SEC. 322. NONDISCHARGEABILITY OF DEBTS INCURRED THROUGH THE COMMISSION OF VIOLENCE AT CLINICS.

Section 523(a) of title 11, United States Code, as amended by section 224 of this Act, is amended—

(1) in paragraph (18), by striking “or” at the end;

(2) in paragraph (19)(B), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(20) that results from any judgment, order, consent order, or decree entered in any Federal or State court, or contained in any settlement agreement entered into by the debtor, including any damages, fine, penalty, citation, or attorney fee or cost owed by the debtor, arising from—

“(A) an actual or potential action under section 248 of title 18;

“(B) an actual or potential action under any Federal, State, or local law, the purpose of which is to protect—

“(i) access to a health care facility, including a facility providing reproductive health services, as defined in section 248(e) of title 18 (referred to in this paragraph as a ‘health care facility’); or

“(ii) the provision of health services, including reproductive health services (referred to in this paragraph as ‘health services’);

“(C) an actual or potential action alleging the violation of any Federal, State, or local statutory or common law, including chapter 96 of title 18 and the Federal civil rights laws (including sections 1977 through 1980 of the Revised Statutes) that results from the debtor's actual, attempted, or alleged—

“(i) harassment of, intimidation of, interference with, obstruction of, injury to, threat to, or violence against any person—

“(I) because that person provides or has provided health services;

“(II) because that person is or has been obtaining health services; or

“(III) to deter that person, any other person, or a class of persons from obtaining or providing health services; or

“(ii) damage or destruction of property of a health care facility; or

“(D) an actual or alleged violation of a court order or injunction that protects access to a health care facility or the provision of health services.”.

SCHUMER AMENDMENTS NOS. 2764–2767

(Ordered to lie on the table.)

Mr. SCHUMER submitted four amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 2764

On page 7, line 9, after “reduced by” insert “estimated administrative expenses and reasonable attorneys’ fees, and”.

On page 7, strike line 24 through page 8, line 3, and insert the following:

“(I) the sum of—

“(aa) the total of all amounts scheduled as contractually due to secured creditors in each month of the 60 months following the date of the petition; and

“(bb) any additional payments to secured creditors necessary for the debtor, in filing a plan under chapter 13 of this title, to maintain possession of the debtor's property that serves as collateral for secured debts; divided by

“(II) 60.

On page 9, line 6, after “reduced by” insert “estimated administrative expenses and reasonable attorneys’ fees, and”.

On page 10, strike lines 12 and 13 and insert the following:

(1) in section 101—

(A) by inserting after paragraph (10) the following:

On page 11, insert between lines 2 and 3 the following:

(B) by inserting after paragraph (17) the following:

“(17A) ‘estimated administrative expenses and reasonable attorneys’ fees’ means 10 percent of projected payments under a chapter 13 plan;” and

AMENDMENT NO. 2765

On page 7, line 15, strike “(ii)” and insert “(ii)(I)”.

On page 7, between lines 21 and 22, insert the following:

“(I) In addition, the debtor's monthly expenses shall include the reasonably necessary monthly expenses incurred by a debtor who is eligible to receive or is receiving payments under State unemployment insurance laws, the Federal dislocated workers assistance programs under title III of the Job Training Partnership Act (29 U.S.C. 1501 et seq.) or the successor Workforce Investment Act of 1998 (20 U.S.C. 9201 et seq.), the trade adjustment assistance programs provided for under title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), or State assistance programs for displaced or dislocated workers and incurred for the purpose of obtaining and maintaining employment.

AMENDMENT NO. 2766

At the appropriate place, insert the following:

SEC. ____ DISCLOSURES RELATED TO “INTRODUCTORY RATES”.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

“(6) ADDITIONAL NOTICE CONCERNING ‘INTRODUCTORY RATES’.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an application or solicitation to open a credit card account that offers a temporary annual percentage rate of interest, either for which a disclosure is required

Nicole R. Rabner

02/16/2000 05:09:27 PM

Record Type: Record

To: Debra D. Alexander/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Kate Britton 

Debra, this is actually my last week here at the White House, so I will try to take a look at the reply when I get it; otherwise, I will pass it on to my colleagues, Ann O'Leary and Ruby Shamir, who are copied on this e-mail. From your note, however, it sounds as if Ms. Britton's reply focuses on the trafficking issue, rather than the straight partial-birth abortion issue and therefore might best be handled by Devorah. You should all note though that this is becoming increasingly a hot issue in the anti-choice context and there may be congressional hearings (Senate Judiciary) in early March.

It's been a pleasure to work with you, Debra, and I will try to take a look at this before I leave.

Nicole
Debra D. Alexander

Debra D. Alexander
02/16/2000 05:00:29 PM

Record Type: Record

To: Nicole R. Rabner/WHO/EOP@EOP, Lauren M. Supina/WHO/EOP@EOP, Devorah R. Adler/OPD/EOP@EOP
cc: John H. Corcoran III/WHO/EOP@EOP
Subject: Kate Britton

hi.

ms. britton has responded to our 1-24-2000 letter regarding partial birth abortion with additional information about the alleged trafficking in fetal tissue. the document she sent is produced by Life Dynamics Incorporation. it argues that, "[A]lthough it is against federal law to sell human tissue or body parts, [various organizations], ... [including the Anatomic Gift Foundation], ... have devised a system to circumvent this restriction ... [through a wholesalers payment scheme] . The charges that are made in this document are inflammatory and dangerous. We need to devise a response for the president. i will interoffice a copy of her letter and the accompanying document. please advise.

thanks.

Message Copied To:

lauren m. supina/who/eop@eop
devorah r. adler/opd/eop@eop
john h. corcoran iii/who/eop@eop
Ann O'Leary/OPD/EOP@EOP
Ruby Shamir/OPD/EOP@EOP

 Joel K. Wiginton  03/06/2000 01:41

Record Type: Record

To: Ann O'Leary/OPD/EOP@EOP, Ruby Shamir/OPD/EOP@EOP
cc:
Subject: Re: Likely Schumer Call on Clinic Access Amendment to Bankruptcy Bill

please see below

----- Forwarded by Joel K. Wiginton/WHO/EOP on 03/06/2000 01:41 PM -----

 Sarah Rosen Wartell
03/06/2000 01:36:33 PM

Record Type: Record

To: Joel K. Wiginton/WHO/EOP@EOP, Bruce N. Reed/OPD/EOP@EOP, Eric P. Liu/OPD/EOP@EOP, Cathy R. Mays/OPD/EOP@EOP
cc: michele.ballantyne/who/eop@eop, rebecca.hunter/who/eop@eop, melissa.g.green/opd/eop@eop, broderick.johnson/who/eop@eop
bcc:
Subject: Re: Likely Schumer Call on Clinic Access Amendment to Bankruptcy Bill 

DPC -- Do you want to provide us with guidance both on the letter and what Gene/Larry/John might say if they got a call from Schumer on this? The current plan is for the bankruptcy view letter to list a number of issues where the Senate bill is better than the House and state strongly our support for the Senate provisions. The Schumer clinic access amendment would be one of the provisions so listed. However, we do not plan to have a veto threat on any specific provision (other than minimum wage, tax amendment). The implication is that if the final package isn't close to the Senate, he might not sign, but, since it is not clear how much support we have from Democrats, it is left a bit ambiguous. As Joel notes below, we do not know whether all the Dems would vote against the conference report if it did not have the clinic access amendment in it. Many seem to be eager to vote for the underlying bill.
Joel K. Wiginton

 Joel K. Wiginton  03/06/2000 01:06

Record Type: Record

To: Michele Ballantyne/WHO/EOP@EOP, Rebecca Hunter/WHO/EOP@EOP, Melissa G. Green/OPD/EOP@EOP
cc: Sarah Rosen Wartell/OPD/EOP@EOP, Broderick Johnson/WHO/EOP@EOP
Subject: Likely Schumer Call

FYI -- I just received a heads up from Sen. Schumer's staffer noting that the Senator will likely be calling John, Chuck, and/or Gene in the near future to urge the Admin to highlight the importance of the Schumer FACE/Clinic Violence Amendment in its letter to conferees on the bankruptcy bill.