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**Congress of the United States**  
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February 4, 2010

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The Honorable Lee H. Rosenthal  
United States District Judge  
United States District Court  
11535 Bob Casey U.S. Courthouse  
515 Rusk Avenue  
Houston, TX 77002-2600

09-BK-034

Dear Judge Rosenthal:

I am writing to share with you concerns expressed by a constituent about the proposed amendments to the Bankruptcy Rules of Procedure currently under consideration by the Advisory Committee. Specifically, with regard to proposed new requirements in Rule 3001(c), which governs proof of claims, concerns have been shared with me that the proposed changes would impose additional burdens on unsecured creditors in consumer bankruptcy cases, potentially discouraging or even impairing the ability of legitimate parties to participate in the process.

These concerns are based on three proposed changes to Rule 3001(c): requiring creditors to attach the last billing statement sent to the debtor before the bankruptcy petition was filed; requiring creditors to include in their proof of claim a statement itemizing interest, expenses or charges; and allowing a court to impose sanctions on a creditor who fails to provide the information required by these amendments.

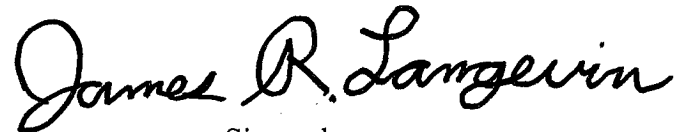
As you know, creditors, like other parties, are restrained by Rule 11, and also are subject to significant Federal criminal penalties in the event of filing fraudulent claims. It is my understanding that the proofs of claims filed in the overwhelming majority of cases are valid claims that substantially match the debtors' schedules of debts filed (under penalty of perjury) with the petition. The Rules of Procedure allow for an orderly process by which a debtor can object to a particular proof of claim and thereby put the creditor to its burden of proof.

A concern has also been expressed that the proposed amendments could impose new requirements for all unsecured claims and open up the potential for litigation over the imposition of new sanctions and attorney's fees for failure to abide by those requirements. To the extent that the new rules would affect valid claims, or increase the time or cost of determining the validity of claims, they could potentially work against the speedy and inexpensive determination of claims.

Finally, I have heard concerns that the proposed amendments would inflict a cost to consumers in the form of lost privacy rights. Requiring the filing of debtors' billing statements, and thereby making them public documents, will expose the private details of each consumer's activities, such as purchases from a particular store, even if personally identifiable information such as home addresses is removed. I hope the Advisory Committee is considering this important issue.

I appreciate your consideration of these concerns. Feel free to contact my office with any questions you may have.

Thank you again for your consideration.

A handwritten signature in black ink that reads "James R. Langevin". The signature is written in a cursive, flowing style.

Sincerely  
James R. Langevin  
Member of Congress

Cc: The Honorable James C. Duff,  
Secretary of the Judicial Conference