tive section "earnings in the form of wages, salary, commission, or bonus as compensation for personal service" be substituted for "wages or salary due an employee."

I would delete the second reference to "employee" in section 202(a) because of experience with the wage priority under section 64a(2) of the Bankruptcy Act where it three times became necessary to amend the original language, "wages due to workmen, clerks, or servants," once by adding "traveling or city salesmen," again by adding "on a salary or a commission basis, whole or part time," and finally by adding "whether or not they are independent contractors * * * with or without a drawing account."

If this suggestion were followed in its entirety, section 202(a) might read:

No person may attach or garnish or by any similar legal or equitable process or order stop or divert the payment of earnings in the form of wages, salary, commission or bonus as compensation for personal service.

Third, I am sure it is not the intent of H.R. 11601 to disrupt the operation of wage earner plans under chapter XIII of the Bankruptcy Act. These are purely voluntary proceedings, initiated on the debtor's petition only, by which a wage earner debtor may pay off his debts from future earnings over a 3-year period. But section 611 of the Bankruptcy Act does give the chapter XIII court exclusive jurisdiction over the debtor's earnings during the period of consummation of the plan, section 64b does require that the plan include provisions for the submission of future earnings of the debtor to the supervision and control of the court, and section 658 does authorize the court to order the employer of the debtor to make payments from his earnings directly into court. It would be prudent to indicate, either by a proviso to section 202(a) of the bill or by a statement in the committee report, that section 202(a) was not intended to affect these sections of chapter XIII of the Bankruptcy Act.

Fourth, I doubt the necessity of prohibiting garnishment of all earnings, regardless of size. I see no necessity for immunizing all the income of entertainers, corporate executives, and others whose incomes approach or run into six figures.

I realize the difficulty of fixing a limit. One recent proposal suggests a poverty-level limit of $3,600, which I regard as much too low (Karlen, Exemptions from Execution, 22 Bus. Law. 1167, 1171 (1967). The present working draft of the Uniform Consumer Credit Code, a project of the National Conference of Commissioners on Uniform State Laws which is not yet in final form, would put the limit at $100 per week for debtors with dependents and $65 per week for others (and would limit the protection to consumer credit claims.) This seems too low to me, also, but I have attached to my statement a copy of the pertinent sections of the present draft of the code so that the committee can examine them. (See p. 729.)

The studies of personal bankruptcies to which I have previously referred indicate that the typical bankrupt has an income of about $5,000 per year. I would take that figure as an indication that the protection against garnishment should extend considerably higher.

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