

111TH CONGRESS  
1ST SESSION

# H. R. 1942

To amend title 11, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2009

Mr. NADLER of New York (for himself and Mr. COHEN) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 11, and for other purposes.

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 “Business Reorganization  
5 and Job Preservation Act of 2009”.

6 **SEC. 2. AMENDMENTS TO TITLE 11 OF THE UNITED STATES**

7 **CODE.**

8 Title 11 of the United States Code is amended—

9 (1) by amending section 365(d)(4) to read as  
10 follows:

11 “(4) Notwithstanding paragraphs (1) and (2), in a  
12 case under any chapter of this title, if the trustee does

1 not assume or reject an unexpired lease of nonresidential  
 2 real property under which the debtor is the lessee within  
 3 60 days after the date of the order for relief, or within  
 4 such additional time as the court, for cause, within such  
 5 60-day period, fixes, then such lease is deemed rejected,  
 6 and the trustee shall immediately surrender such nonresi-  
 7 dential real property to the lessor.”,

8 (2) in section 366—

9 (A) in subsection (a) by striking “sub-  
 10 sections (b) and (c)” and inserting “subsection  
 11 (b)”, and

12 (B) by striking subsection (c),

13 (3) in section 503(b)—

14 (A) in paragraph (7) by adding “and” at  
 15 the end,

16 (B) in paragraph (8) by striking “; and”  
 17 and inserting a period, and

18 (C) by striking paragraph (9).

19 (4) by amending section 546(c) to read as fol-  
 20 lows:

21 “(c) Except as provided in subsection (d) of this sec-  
 22 tion, the rights and powers of a trustee under sections  
 23 544(a), 545, 547, and 549 of this title are subject to any  
 24 statutory or common-law right of a seller of goods that  
 25 has sold goods to the debtor, in the ordinary course of

1 such seller's business, to reclaim such goods if the debtor  
 2 has received such goods while insolvent, but—

3 “(1) such a seller may not reclaim any such  
 4 goods unless such seller demands in writing reclama-  
 5 tion of such goods—

6 “(A) before 10 days after receipt of such  
 7 goods by the debtor; or

8 “(B) if such 10-day period expires after  
 9 the commencement of the case, before 20 days  
 10 after receipt of such goods by the debtor; and

11 “(2) the court may deny reclamation to a seller  
 12 with such a right of reclamation that has made such  
 13 a demand only if the court—

14 “(A) grants the claim of such a seller pri-  
 15 ority as a claim of a kind specified in section  
 16 503(b) of this title; or

17 “(B) secures such claim by a lien.”.

18 **SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

19 (a) **EFFECTIVE DATE.**—Except as provided in sub-  
 20 section (b), this Act and the amendments made by this  
 21 Act shall take effect on the date of the enactment of this  
 22 Act.

23 (b) **APPLICATION OF AMENDMENTS.**—The amend-  
 24 ments made by this Act shall apply only with respect to

- 1 cases commenced under title 11 of the United States Code
- 2 on or after the date of the enactment of this Act.

