

108TH CONGRESS
1ST SESSION

H. R. 2609

To amend title 11, United States Code, to provide for the avoidance of certain transfers, and the alternate prosecution of certain actions, relating to certain retirement benefits.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2003

Mr. CONYERS introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To amend title 11, United States Code, to provide for the avoidance of certain transfers, and the alternate prosecution of certain actions, relating to certain retirement benefits.

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 the “Equal Treatment of
5 Pensions and Bankruptcy Act of 2003”.

1 **SECTION 2. AVOIDANCE OF CERTAIN TRANSFERS; ALTER-**
2 **NATE PROSECUTION OF ACTION.**

3 Section 547 of title 11, United States Code, is
4 amended by adding at the end the following:

5 “(h) Notwithstanding subsections (b) and (c), the
6 trustee may avoid a transfer of a debtor’s interest in prop-
7 erty to any trust or similar arrangement to fund supple-
8 mental retirement benefits or other deferred compensation
9 for the benefit of an insider or other management em-
10 ployee made on or within one year before the date of the
11 filing of the petition.

12 “(i) If the trustee consents or fails to commence a
13 proceeding authorized under section 506, 543, 544, 545,
14 547, 548, 549, 550, 552, 553, or 724, on request of a
15 party in interest or a committee of creditors appointed
16 under section 1102 of this title, after notice and a hearing,
17 the court may authorize such party in interest or com-
18 mittee of creditors to commence and prosecute such pro-
19 ceeding if the court finds that commencing and pros-
20 ecuting such proceeding is in the best interest of the estate
21 and for the benefit of the estate.”.

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