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Washington, DC 20510

December 2, 2019

Re: American College of Bankruptcy Review of Revisions to Chapter 15
of the Bankruptcy Code Proposed by National Bankruptcy Conference

Dear Sens. Graham and Feinstein and Reps. Cicilline and Sensenbrenner,

The American College of Bankruptcy (the “College”) is an honorary public service association of approximately 900 United States and international insolvency professionals who are invited to join as Fellows based on a proven record of the highest standards of expertise, leadership, integrity, professionalism, scholarship, and service to the bankruptcy practice and to their communities. As part of our work to facilitate the effective domestic and cross-border application of bankruptcy and insolvency laws and the administration of justice -- and at the request of the Chair of the International Committee of the National Bankruptcy Conference (“NBC”) -- we have reviewed the NBC’s proposed revisions relating to chapter 15 of the United States Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.* (“Bankruptcy Code”), which were sent to you on November 13, 2019.

Our review supports eight of the eleven revisions proposed by the NBC. They are, as numbered in the NBC’s November 13 letter:

No. 1 - 11 U.S.C. § 103; Applicability of other chapters to chapter 15);

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No. 2 - 11 U.S.C. § 103(k); Applicability of chapter 15 Sections in cases under other chapters or no case under title 11 pending;

No. 3 - Applicability of 11 U.S.C. § 109(a) to chapter 15 debtors;

No. 4 - 11 U.S.C. § 303; Foreign representative commencing involuntary cases under chapter 7 or chapter 11;

No. 6 - 11 U.S.C. § 306; Limited appearance by foreign representative;

No. 9 - 28 U.S.C. § 1334(c); Abstention;

No. 10 - 11 U.S.C. § 1517(a)(2); Order granting recognition;

No. 11 - 11 U.S.C. §§ 303, 1521, 101(24); Avoidance of transfers and recovery of property.

We view the foregoing eight proposed amendments as non-controversial clarifications of and/or technical amendments to the Bankruptcy Code.

However, we view as controversial three of the NBC recommendations, namely, Recommendation No. 5 as to Bankruptcy Code Section 305 of the (abstention); Recommendation No. 7 as to Bankruptcy Code Sections 1502(4) and 5 and Section 1517(b) (time of COMI/Establishment Determination); and Recommendation No. 8 as to Bankruptcy Code Section 1511 and 28 U.S.C. § 1408 (venue).

We understand that, in light of questions raised by the College and other professional organizations, the NBC does not plan to pursue the revisions as to its Nos. 5 and 8. As to NBC Recommendation No. 7 (time of COMI/Establishment Determination), we understand that the NBC is giving further consideration, and we anticipate that the College's International Committee will have further communication with the NBC as to the recommendation.

Sincerely,



Marc A. Levinson
Chair, American College of Bankruptcy



Mark D. Bloom
President, American College of Bankruptcy