

白领必看：破产保护到底是什么意思实用英语 PDF转换可能丢失图片或格式，建议阅读原文

https://www.100test.com/kao_ti2020/645/2021_2022__E7_99_BD_E9_A2_86_E5_BF_85_E7_c96_645168.htm 最近，美国通用公司根据美国《联邦破产法》第11条申请破产保护成为新闻头条，我曾经一度疑惑是不是破产就等于倒闭了以后就没有通用了，结果被告知破产不等于倒闭，那么到底破产保护是什么意思呢？这个《联邦破产法》第11条到底是什么内容呢？一起来看看。 When an individual or business is unable to make payment to creditors to pay off their debts, they can file for bankruptcy protection under the bankruptcy laws of the United States. For an individual, bankruptcy protection may involve either a cancellation of most debts, along with the selling off of some of their assets, or a structured plan to pay down the debts that are owed. For a business, bankruptcy protection may either provide complete or partial relief of debts and contracts, assuming the business will remain in operation, or the business may cease operation and sell off its assets to pay debts。 我要收藏 简单的说，在美国，当个人或者公司资不抵债的时候，就可以根据美国《联邦破产法》申请破产保护。如果是个人，破产保护可能会通过变卖个人资产抵消债务，或者是用一个有组织的计划来逐步偿还债务；对于一家公司来说，破产保护会减免公司的全部或者部分债务和合同，公司有可能会继续运营，也可能会直接停产变卖资产。 There are two types of bankruptcy protection commonly used by individuals: Chapter Seven, and Chapter 13, where “chapter” refers to the chapter of the bankruptcy code that describes each one.

In Chapter Seven, also called a “ straight bankruptcy ” or “ liquidation ” , a trustee is appointed to control the individual ’ s assets. The trustee then liquidates, or sells the assets, then gives the money to creditors in order to pay off debts, to the extent that this is possible. However, the individual is allowed to keep some personal property, depending on the laws of the state they live in。 对于个人来说，通常有两种破产保护的类型：第7条和第13条。这个第几条是指在《联邦破产法》中的条目数。第7条又叫“直接破产”或者“破产清算”。会给债务人指定一个管理人，由这个管理人进行清算或者变卖资产，然后把清算的钱给债权人来还清债务，不过有的地方债务人可以保留一些个人财产，这个要根据不同的州来决定了。 Chapter 13, also called “ wage-earner bankruptcy ” , allows the individual to propose a plan to repay their debts interest-free over a three to five-year period, although the individual ’ s payment plan is subject to court approval. While in Chapter 13, an individual is protected from creditors collecting on debt or seizing assets to pay debts, and creditors are required to abide by the terms of the approved payment plan. Both types of personal bankruptcy make it very difficult for the individual to obtain credit for a period of seven to ten years after seeking bankruptcy protection。 第13条也被叫做“挣工资的破产”，这项条款允许债权人在依据法庭判决制订还款计划，在3-5年内还清贷款本金，不加利息。债务人在计划期间要赚钱还债，而债权人在这段时间就只能等着。不管是第7条还是第13条，这两种个人在申请破产保护之后的七到十年都很难再拿到贷款了。香港的破产法也和欧美比较类似，当年明星

钟镇涛申请破产差不多就是和第13条类似的程序，他四年内赚的钱都要还债，每月吃穿用度的开销都由香港破产管理署规定限额，直到08年四年还债期满才终于在心理上重获自由。

Businesses may also seek bankruptcy protection under Chapter Seven, but also under Chapter 11, which consists of a reorganization, rather than a liquidation of assets. It may take anywhere from months or years for a business to emerge from this type of bankruptcy. As in Chapter 13, a business in Chapter 11 may propose a repayment plan for its debts within a certain time frame, after which it is up to the creditors to come up with a plan. If the business has stock that is traded on a public stock exchange, then the stock is no longer allowed to be traded publicly once bankruptcy protection is pursued. In some cases, this causes the value of the company's stock to go to zero。

对于公司来说，申请破产的依据同样也有第7条，另外就是第11条了。不过对于公司来说，一般都会希望采用第11条资产重组的方式而不是直接清算。根据第11条规定，公司要提出在一个确定的年限偿还债务的计划，这个计划也要经过债权人的同意。如果是上市公司，一旦实行了破产保护，股票摘牌，也就是说，这家公司的股票价值为0了。通用这次采用的就是第11条资产重组，卖掉了几个内部品牌，也基本成了国有公司，但是像通用这种百年品牌，破产保护的过程通常会无比漫长，因此我们现在还没有最后确切的消息通用的破产保护期有多久。不过依照美国政府大力扶持的情况来看，一旦全球经济回暖，也许通用又会迎来新的春天。

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