

# TITLE 11—BANKRUPTCY

*This title was enacted by Pub. L. 95-598, title I, § 101, Nov. 6, 1978, 92 Stat. 2549*

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## Editorial Notes

### AMENDMENTS

2005—Pub. L. 109-8, title VIII, §801(b), title X, §1007(d), Apr. 20, 2005, 119 Stat. 145, 188, substituted “Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income” for “Adjustment of Debts of Family Farmers with Regular Annual Income” in item for chapter 12 and added item for chapter 15.

1994—Pub. L. 103-394, title V, §501(d)(39), Oct. 22, 1994, 108 Stat. 4147, struck out item for chapter 15, “United States Trustees”.

1986—Pub. L. 99-554, title II, §257(a), Oct. 27, 1986, 100 Stat. 3114, added item for chapter 12.

TABLE I

This Table lists the sections of former Title 11, Bankruptcy, and indicates the sections of Title 11, as revised by Pub. L. 95-598 which cover similar and related subject matter.

<i>Title 11 Former Sections</i>	<i>Title 11 New Sections</i>
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1(5)-(7) .....	Rep.
1(8) .....	101(8)
1(9), (10) .....	Rep.
1(11) .....	101(9)
1(12), (13) .....	Rep.
1(14) .....	101(11)
1(15), (16) .....	Rep.
1(17) .....	101(17), (18)
1(18) .....	Rep.
1(19) .....	101(26)
1(20)-(22) .....	Rep.
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1(24) .....	101(31)
1(25), (26) .....	Rep.
1(27) .....	101(34)
1(28), (29) .....	Rep.
1(29a) .....	101(38)
1(30) .....	101(40)
1(31) .....	Rep.
1(32) .....	101(24)
1(33), (34) .....	Rep.
1(35) .....	102(7)

<sup>1</sup> So in original. Does not conform to chapter heading.

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11(a)(3), (4) .....	Rep.
11(a)(5) .....	721
11(a)(6) .....	Rep.
11(a)(7) .....	363
11(a)(8) .....	350
11(a)(9)-(14) .....	Rep.
11(a)(15) .....	105
11(a)(16) .....	Rep.
11(a)(17) .....	324
11(a)(18) .....	303(i)
11(a)(19), (20) .....	Rep.
11(a)(21) .....	543(b), (c)
11(a)(22) .....	305(a)(2)
11(b) .....	Rep.
21 .....	303(h)
22 .....	109(b)
22(a) .....	301
22(b) .....	303(a)
23(a) .....	Rep.
23(b) .....	303(b)
23(c)-(f) .....	Rep.
23(g) .....	723
23(h)-(k) .....	Rep.
24 .....	522
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25(a)(5) .....	521(3)
25(a)(6) .....	521(2)
25(a)(7) .....	521(2)
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25(a)(10) .....	343, 344
25(a)(11) .....	521(3)
25(b) .....	Rep.
26 .....	541(a)
27, 28 .....	Rep.
29(a) .....	362
29(b)-(d) .....	Rep.
29(e) .....	108(a), (b)
29(f) .....	108(c)
30, 31 .....	(See former 501-1103)
32(a) .....	727(a)(10), 1141(d)(4)
32(b) .....	727(c)
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32(c)(3) .....	727(a)(4)
32(c)(4) .....	727(a)(2)
32(c)(5) .....	727(a)(8), (9)
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32(c)(7) .....	727(a)(5)
32(c)(8) .....	Rep.
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32(g), (h) .....	Rep.
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35(a)(3) .....	523(a)(3)
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35(a)(8) .....	523(a)(6)
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35(c) .....	523(c)
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41(f) .....	301
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44(g) .....	549(c)
44(h)-(l) .....	Rep.

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75(a)(5)	704(2)
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75(a)(14)	Rep.
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76(e)	326(d)
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78(i)	322(c)
78(j)-(l)	Rep.
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93(e)	Rep.
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93(g)	502(d)
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93(n)	501(a), 726(a)(3)
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102(d)	Rep.
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414(b)(5)	Rep.
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506(7)	Rep.
506(8)	101(23)
506(9)	101(31)
506(10)	Rep.
506(11)	101(35)
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507	1124
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513	362
514, 515	Rep.
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616(4)	1123(b)(2)
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642(2)	Rep.
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669	1129(d)
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1200–1255	Rep.

TABLE II

This Table lists the sections of revised Title 11, Bankruptcy, and indicates the sections of former Title 11, which covered similar and related subject matter.

<i>Title 11 New Sections</i>	<i>Title 11 Former Sections</i>
101(1)–(3)	
101(4)	103, 401(1), 506(1), 707(2), 806(2), 1006(1)
101(5)–(7)	
101(8)	1(8)
101(9)	1(11), 401(3), 506(4), 707(1), 806(5), 1062(2)
101(10)	
101(11)	1(14), 401(5), 506(6), 707(2), 806(7), 1006(4)
101(12)	1(4), 401(8), 506(5), 706(3), 806(6), 1006(3)
101(13)	558
101(14)–(16)	
101(17), (18)	1(17)
101(19)–(21)	
101(22)	T. 15 §77ecc(7)
101(23)	506(8), 806(8)
101(24)	1(32), 1006(8)
101(25)	
101(26)	1(19), 107(d)(1)(d)
101(27)	
101(28)	401(6)
101(29)	404
101(30)	1(23), 401(7)
101(31)	1(24), 506(9), 706(5), 806(9), 1006(6)

TABLE II—CONTINUED

<i>Title 11 New Sections</i>	<i>Title 11 Former Sections</i>
101(32)	
101(33)	205(m)
101(34)	1(27)
101(35)	506(11)
101(36), (37)	
101(38)	1(29a)
101(39)	T. 15 §78c(a)(4), (5)
101(40)	1(30)
102(1)–(6)	
102(7)	1(35)
102(8)	
103, 104	
105	11(a)(15)
106	
107	77, 566
108(a), (b)	29(e)
108(c)	29(f), 661, 791, 1076
109(a)	11(a)(1)
109(b)	22
109(c)	404
109(d)	706(3), 806(6)
109(e)	1006(3), (8)
301	22(a), 41(f), 95(a)
302	
303(a)	22(b)
303(b)	23(b), 95(b), (e), 526
303(c)	95(f)
303(d)	41(b), 536, 537
303(e)	109(a)
303(f)	
303(g)	109(d)
303(h)	21
303(i)	11(a)(18), 19(b)
303(j)	95(g)
303(k)	
304	
305(a)(1)	
305(a)(2)	11(a)(22)
305(b), (c)	
306	
321	73
322(a)	78(b)
322(b)(1)	78(c)
322(b)(2)	78(d), (f), (g)
322(c)	78(i)
322(d)	78(m)
323	
324	11(a)(17), 560
325	74
326(a)	76(c)
326(b), (c)	
326(d)	76(e)
327	557, 591
327(c)	72(c)
328	
329	96(d)
330	76(c), 76a, 641(3), (4), 644(1), (3), 891(2), (3), 893(3)
331	
341	91, 92, 734–736, 834–836, 1032, 1033
342	94
343	44(a), 25(a)(1), (10), 736(3), 836(3), 1033(1)
344	25(a)(10)
345	101, 75(a)(2)
346(a)–(i)	
346(j)(1)	668, 795, 920
346(j)(2)–(4)	
346(j)(5)	670, 796, 922
346(j)(6), (7)	
347(a)	106(a)
347(b)	416(d), 605
348	638, 778, 843, 1066, 1067
349(a)	35(b)
349(b)	107(a)
350	11(a)(8)
361	
362	29(a), 35(c)(4), 513, 516(4), 663, 714, 814, 828, 917, 1014
363	11(a)(7), 110(f), 516(3), 713(2), 813(2)
364	516(2), 744, 846
365	103(c), 110(b), 516(1), 713(1), 813(1), 1013(1)
366	
501(a)	93(n), 596, 598, 736(2), 755a, 836(2), 851, 854, 1033(1)
501(b)	93(i)
501(c), (d)	
502(a)	93(d)
502(b)	93(f), 1056(b)
502(b)(3)	108
502(b)(4)	104(a)(4)
502(b)(7)	103(a)(9), 602, 753, 858
502(c)	93(d)
502(d)	93(g)
502(e)–(i)	
502(j)	93(k), 11(a)(2)
503(a)	
503(b)	104(a)(1)

TABLE II—CONTINUED

<i>Title 11 New Sections</i>	<i>Title 11 Former Sections</i>
503(b)(2)	102(a)(1)
503(b)(3)	642(1), 643, 644(4), 892(1)
503(b)(4)	641(5), 642(3), 643, 644(2), (4), 739(2), 892(3), 893(2), (4)
503(b)(5)	642(1)
504	102(c)
505(a), (b)	11(a)(2A), 104(a)(4)
505(c)	
506(a), (b)	93(h)
506(c), (d)	
507	104(a)
507(a)(3)	104(a)(2)
508	105(d)
509	93(i)
510	
521(1)	25(a)(8), (9)
521(2)	25(a)(3), (6), (7)
521(3)	25(a)(4), (5), (11)
521(4)	25(a)(1)
522	24
523(a)(1)	35(a)(1)
523(a)(2)	35(a)(2)
523(a)(3)	35(a)(3)
523(a)(4)	35(a)(4)
523(a)(5)	35(a)(7)
523(a)(6)	35(a)(8)
523(a)(7)–(9)	
523(b)	35(b)
523(c)	35(c)
523(d)	
524(a)	32(f)
524(b)–(d)	
524(e)	34
525	
541(a)	26, 110(a), 586
541(b)	110(a)(3)
541(c), (d)	
541(e)	110(c)
542(a), (b)	
542(c)	110(d)(2), (3)
542(d), (e)	
543(a)	
543(b), (c)	11(a)(21), 109(d)
543(d)	
544(a)	110(c)
544(b)	110(e)
545	107(b), (c)
545(1)	107(c)(1)(A)
545(2)	107(c)(1)(B)
545(3), (4)	107(c)(1)(C)
546(a)	
546(b)	107(c)(1)(B)
546(c)	
547	96
547(b)	107(a)
547(c)(4)	96(c)
547(d)	107(a)
547(e)(1)(B)	96(a)(4)
548(a)	107(d)(2)
548(b)	107(d)(4)
548(c)	107(d)(6)
548(d)(1)	107(d)(5)
548(d)(2)	
549(a)	110(d)(1)
549(b)	
549(c)	44(g)
549(d)	
550	96(b), 107(d)(3), (6)
551	96(b), 107(a)(3), (c)(2), (d)(6), 110(e)(2)
552	
553	96(c), 108
554	
701	
702	72(a)
703(a)	74
703(b), (c)	
704(1)	75(a)(1)
704(2)	75(a)(3), (5)
704(3)	75(a)(7)
704(4)	75(a)(8)
704(5)	75(a)(9)
704(6)	75(a)(10)
704(7)	
704(8)	75(a)(13)
705	72(b)
706	
707	95(g)
721	11(a)(5)
722	
723	23(g)
724(a)	93(j)
724(b)	107(c)(3)
724(c), (d)	
725	
726(a)(1), (2)	
726(a)(3)	93(n)
726(a)(4)–(6), (b), (c)	
727(a)(1)	
727(a)(2)	32(c)(1), (4)

TABLE II—CONTINUED

<i>Title 11 New Sections</i>	<i>Title 11 Former Sections</i>
727(a)(3)	32(c)(2)
727(a)(4)	32(c)(1), (3)
727(a)(5)	32(c)(7)
727(a)(6)	32(c)(6)
727(a)(7)	
727(a)(8), (9)	32(c)(5)
727(a)(10)	32(a)
727(b)	
727(c)	32(b)
727(d), (e)	33
728	
741	96(e)(1)
742–744	
745	96(e)(2)
746–748	
749	96(e)(5)
750	
751	96(e)(2)
752	96(e)(2), (3)
761–766	
901	402(b)(1), (2), 405(b), (e), (h), 408(b), 409, 411, 412, 413, 414(a), 416(b), (d)
902(1)	
902(2)	401(10)
902(3)	401(11)
902(4)	
903	403
904	402(c)
921(a)	405(a)
921(b)	402(d)
921(c)–(f)	405(a)
922(a)	405(e)(1)
922(b)	
923	405(d)
924	405(b)
925	408(a)
926	405(h)
927	418
941	410(a)
942	410(a), (b)
943(a)	413
943(b)(1)	
943(b)(2)	414(b)(2)
943(b)(3)	414(b)(4)
943(b)(4)	414(b)(6)
943(b)(5), (6)	414(b)(1)
944(a)	415(a)
944(b)	415(b)(1)
944(c)	415(b)(2)
945(a)	416(e)
945(b)	
946	417
1101(1)	
1101(2)	629(a)
1102	738
1103(a)	739(2)
1103(b), (c)(1)	
1103(c)(2)	739(1)(a)
1103(c)(3)	739(1)(b)–(e)
1103(c)(4)	
1103(c)(5)	739(1)(f)
1103(d)	
1104(a)	556, 832, 837(1)
1104(b)	568
1104(c)	560
1105	559
1106	587, 842
1106(a)(2)	564
1106(a)(3)	567(1)
1106(a)(4)	567(5)
1106(a)(4)(A)	567(3)
1106(a)(5)	569
1106(b)	568
1107(a)	563, 588, 742, 844
1107(b)	
1108	589, 743, 845
1109	607
1109(a)	608
1109(b)	606
1110	516(5), (6)
1111	596, 851
1112(a)	
1112(b)	636, 776, 777, 881, 882
1112(c)–(e)	
1121	570
1122	597, 751, 852
1123(a)(1)	
1123(a)(2)	616(6), 861(10)
1123(a)(3)	616(5), 861(9)
1123(a)(4)	
1123(a)(5)	616(2), (10), 861(12)
1123(a)(6)	616(12)(a)
1123(a)(7)	616(11)
1123(b)(1)	616(1)
1123(b)(2)	616(4), 757(2), 861(4)
1123(b)(3)	616(13)
1123(b)(4)	616(2), 861(7)
1123(b)(5)	616(14), 757(8), 861(13)
1123(c)	

TABLE II—CONTINUED

<i>Title 11 New Sections</i>	<i>Title 11 Former Sections</i>
1124	507, 708, 807
1125(a)	
1125(b)	576
1125(c)	
1125(d)	575
1125(e)	
1126	579
1126(a)	599
1126(e)	603
1127	622, 763
1127(a)	869
1127(b)	629(c), 787(1), 869
1127(c)	765, 787(2), (3), 871
1127(d)	623, 764, 870
1128(a)	579, 735(3), 737(3), 835, 837(3)
1128(b)	580
1129(a)(1)	621(1), 766(1), 872(1)
1129(a)(2)	766(3), 872(3)
1129(a)(3)	621(3), 761, 766(4), 867, 872(4)
1129(a)(4)	621(4), 872(5)
1129(a)(5)	621(5)
1129(a)(6)	624(2)
1129(a)(7)	621(2), 766(2), 872(2)
1129(a)(8)	
1129(a)(9)	737(2)
1129(a)(10)	
1129(a)(11)	621(2), 766(2), 872(2)
1129(b), (c)	
1129(d)	669, 921
1141(a)	624(1), 767(1), 873(1)
1141(b)	
1141(c)	626, 874
1141(d)(1)–(3)	628(1), 771, 876
1141(d)(4)	32(a)
1142(a)	624(2), 873(2)
1142(b)	627, 875
1143	604
1144	786, 911
1145(a)	664(a), 793(a), 918(a)
1145(b)	664(b), 793(b), 918(b)
1145(c), (d)	
1146(a), (b)	
1146(c)	667
1146(d)	
1161, 1162	
1163	205(c)(1)
1164, 1165	
1166	205(c)(2)
1167	205(n)
1168	205(j)
1169	205(c)(6)
1170	205(o)
1171(a)	205(n)
1171(b)	205(b)
1172	205(b)
1173	205(e)
1174	
1301, 1302	
1303	1036
1304	
1305(a)(1)	1080
1305(a)(2), (b), (c)	
1306	
1307	1066
1321	1033(2)
1322(a)(1)	1046(4)
1322(a)(2)	1046(3)
1322(a)(3)	
1322(b)(1)	1046(1)
1322(b)(2)	1046(2)
1322(b)(3)–(6)	
1322(b)(7)	1046(6)
1322(b)(8), (9)	
1322(b)(10)	1046(7)
1322(c)	
1323(a)	1053
1323(b)	
1323(c)	
1324	1054
1325(a)(1)	1033(5)
1325(a)(2)	1056(a)(1)
1325(a)(3)	
1325(a)(4), (5)	1051, 1056(a)(4)
1325(a)(6)	1056(a)(2)
1325(b)	
1326(a)	1059
1326(b)	
1327(a)	1057
1327(b), (c)	
1328(a)	1060
1328(b)	1061
1328(c), (d)	1060
1328(e)	33
1329(a)	1046(5)
1329(b), (c)	
1330	1071
1501–151326	

**Statutory Notes and Related Subsidiaries**

## ENACTING CLAUSE

Pub. L. 95-598, title I, §101, Nov. 6, 1978, 92 Stat. 2549, provided in part: "The law relating to bankruptcy is codified and enacted as title 11 of the United States Code, entitled 'Bankruptcy', and may be cited as 11 U.S.C. §—."

## REPEALS

Pub. L. 95-598, title IV, §401(a), Nov. 6, 1978, 92 Stat. 2682, provided that: "The Bankruptcy Act [act July 1, 1898, ch. 541, 30 Stat. 544, as amended] is repealed."

## EFFECTIVE DATE

Pub. L. 95-598, title IV, §402, Nov. 6, 1978, 92 Stat. 2682, as amended by Pub. L. 98-249, §1(a), Mar. 31, 1984, 98 Stat. 116; Pub. L. 98-271, §1(a), Apr. 30, 1984, 98 Stat. 163; Pub. L. 98-299, §1(a), May 25, 1984, 98 Stat. 214; Pub. L. 98-325, §1(a), June 20, 1984, 98 Stat. 268; Pub. L. 98-353, title I, §§113, 121(a), July 10, 1984, 98 Stat. 343, 345; Pub. L. 98-454, title X, §1001, Oct. 5, 1984, 98 Stat. 1745, provided that:

"(a) Except as otherwise provided in this title [sections 401 to 411], this Act [for classification to the Code, see Tables] shall take effect on October 1, 1979.

"(b) Except as provided in subsections (c) and (d) of this section, the amendments made by title II [sections 201 to 252] of this Act shall not be effective.

"(c) The amendments made by sections 210, 214, 219, 220, 222, 224, 225, 228, 229, 235, 244, 245, 246, 249, and 251 of this Act shall take effect on October 1, 1979.

"(d) The amendments made by sections 217, 218, 230, 247, 302, 314(j), 317, 327, 328, 338, and 411 of this Act shall take effect on the date of enactment of this Act [Nov. 6, 1978].

"(e) [Repealed. Pub. L. 98-454, title X, §1001, Oct. 5, 1984, 98 Stat. 1745]."

[Amendment of section 402(b) of Pub. L. 95-598, set out above, by section 113 of Pub. L. 98-353 effective June 27, 1984, see section 122(c) of Pub. L. 98-353, set out as an Effective Date note under section 151 of Title 28, Judiciary and Judicial Procedure.]

## SAVINGS PROVISION

Pub. L. 95-598, title IV, §403, Nov. 6, 1978, 92 Stat. 2683, as amended by Pub. L. 98-353, title III, §382, July 10, 1984, 98 Stat. 364, provided that:

"(a) A case commenced under the Bankruptcy Act, [act July 1, 1898, ch. 541, 30 Stat. 544, as amended], and all matters and proceedings in or relating to any such case, shall be conducted and determined under such Act as if this Act had not been enacted, and the substantive rights of parties in connection with any such bankruptcy case, matter, or proceeding shall continue to be governed by the law applicable to such case, matter, or proceeding as if the [this] Act had not been enacted.

"(b) Notwithstanding subsection (a) of this section, sections 1165, 1167, 1168, 1169, and 1171 of title 11 of the United States Code, as enacted by section 101 of this Act, apply to cases pending under section 77 of the Bankruptcy Act ([former] 11 U.S.C. 205) on the date of enactment of this Act [Nov. 6, 1978] in which the trustee has not filed a plan of reorganization.

"(c) The repeal [of the Bankruptcy Act] made by section 401(a) of this Act does not affect any right of a referee in bankruptcy, United States bankruptcy judge, or survivor of a referee in bankruptcy or United States bankruptcy judge to receive any annuity or other payment under the civil service retirement laws.

"(d) The amendments made by section 314 of this Act [for classification to the Code, see Tables] do not affect the application of chapter 9, chapter 96, section 2516, section 3057, or section 3284 of title 18 of the United States Code to any act of any person—

"(1) committed before October 1, 1979; or

"(2) committed after October 1, 1979, in connection with a case commenced before such date.

"(e) Notwithstanding subsection (a) of this section—

"(1) a fee may not be charged under section 40c(2)(a) of the Bankruptcy Act [former 11 U.S.C. 68(c)(2)(a)] in a case pending under such Act after September 30, 1979, to the extent that such fee exceeds \$200,000;

"(2) a fee may not be charged under section 40c(2)(b) of the Bankruptcy Act in a case in which the plan is confirmed after September 30, 1978, or in which the final determination as to the amount of such fee is made after September 30, 1979, notwithstanding an earlier confirmation date, to the extent that such fee exceeds \$100,000;

"(3) after September 30, 1979, all moneys collected for payment into the referees' salary and expense fund in cases filed under the Bankruptcy Act shall be collected and paid into the general fund of the Treasury; and

"(4) any balance in the referees' salary and expense fund in the Treasury on October 1, 1979, shall be transferred to the general fund of the Treasury and the referees' salary and expense fund account shall be closed."

Pub. L. 98-353, title III, §381, July 10, 1984, 98 Stat. 364, provided that: "This subtitle [(§§381, 382) amending section 403(e) of Pub. L. 95-598, set out above] may be cited as the 'Referees Salary and Expense Fund Act of 1984'."

## HISTORY OF BANKRUPTCY ACTS

The bankruptcy laws were revised generally and enacted as Title 11, Bankruptcy, by Pub. L. 95-598, Nov. 6, 1978, 92 Stat. 2549.

Earlier bankruptcy laws included the following acts:

Apr. 4, 1800, ch. 19, 2 Stat. 19, repealed Dec. 19, 1803, ch. 6, 2 Stat. 248.

Aug. 19, 1841, ch. 9, 5 Stat. 440, repealed Mar. 3, 1843, ch. 82, 5 Stat. 614.

Mar. 2, 1867, ch. 176, 14 Stat. 517, the provisions of which were incorporated in Rev. Stat. Title LXI, §§4972 to 5132, were materially amended June 22, 1874, ch. 390, 18 Stat. 178, and were repealed June 7, 1878, ch. 160, 20 Stat. 99.

The Bankruptcy Act of July 1, 1898, ch. 541, 30 Stat. 544, as amended, sometimes called the Nelson Act, repealed by Pub. L. 95-598.

The Chandler Act of July 22, 1938, ch. 575, 52 Stat. 883, which revised the Bankruptcy Act generally and materially amended the provisions covering corporate reorganizations, repealed by Pub. L. 95-598.

## NATIONAL BANKRUPTCY REVIEW COMMISSION

Pub. L. 103-394, title VI, Oct. 22, 1994, 108 Stat. 4147, established the National Bankruptcy Review Commission to (1) investigate and study issues and problems relating to title 11, United States Code, (2) evaluate the advisability of proposals and current arrangements with respect to such issues and problems, (3) solicit divergent views of all parties concerned with the operation of the bankruptcy system, and (4) prepare and submit to the Congress, the Chief Justice, and the President a report not later than 2 years after the date of its first meeting, and provided for termination of the Commission 30 days after submission of the report which was submitted on Oct. 20, 1997.

## COMMISSION ON THE BANKRUPTCY LAWS OF THE UNITED STATES

Pub. L. 91-354, §§1-6, July 24, 1970, 84 Stat. 468, as amended by Pub. L. 92-251, Mar. 17, 1972, 86 Stat. 63; Pub. L. 93-56, §1, July 1, 1973, 87 Stat. 140, established the Commission on the Bankruptcy Laws of the United States, to study and recommend changes to this title, which ceased to exist 30 days after the date of submission of its final report which was required prior to July 31, 1973.

**CHAPTER 1—GENERAL PROVISIONS**

Sec.

101. Definitions.