

Public Law 95-598
95th Congress

An Act

To establish a uniform Law on the Subject of Bankruptcies.

Nov. 6, 1978
[H.R. 8200]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Title 11, USC.
Bankruptcy.

TITLE I—ENACTMENT OF TITLE 11 OF THE UNITED STATES CODE

SEC. 101. 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. § , as follows: 11 USC prec. 101 note.

TITLE 11—BANKRUPTCY

CHAPTER	Sec.
1. GENERAL PROVISIONS-----	101
3. CASE ADMINISTRATION-----	301
5. CREDITORS, THE DEBTOR, AND THE ESTATE-----	501
7. LIQUIDATION-----	701
9. ADJUSTMENT OF DEBTS OF A MUNICIPALITY-----	901
11. REORGANIZATION-----	1101
13. ADJUSTMENT OF DEBTS OF AN INDIVIDUAL WITH REGULAR INCOME-----	1301
15. UNITED STATES TRUSTEES-----	1501

CHAPTER 1—GENERAL PROVISIONS

- Sec.
- 101. Definitions.
 - 102. Rules of construction.
 - 103. Applicability of chapters.
 - 104. Adjustment of dollar amounts.
 - 105. Power of court.
 - 106. Waiver of sovereign immunity.
 - 107. Public access to papers.
 - 108. Extension of time.
 - 109. Who may be a debtor.

§ 101. Definitions

11 USC 101.

In this title—

(1) "accountant" means accountant authorized under applicable law to practice public accounting, and includes professional accounting association, corporation, or partnership, if so authorized;

(2) "affiliate" means—

(A) entity that directly or indirectly owns, controls, or holds with power to vote, 20 percent or more of the outstanding voting securities of the debtor, other than an entity that holds such securities—

(i) in a fiduciary or agency capacity without sole discretionary power to vote such securities; or

(ii) solely to secure a debt, if such entity has not in fact exercised such power to vote;

(B) corporation 20 percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the debtor, or by an entity

Ante, p. 2625.

“(4) For a case commenced under chapter 11 of title 11 concerning a railroad, as so defined, \$500.

An individual commencing a voluntary case or a joint case under title 11 may pay such fee in installments.

Fees.

“(b) The Judicial Conference of the United States may prescribe additional fees in cases under title 11 of the same kind as the Judicial Conference prescribes under section 1914(b) of this title.

“(c) Upon the filing of any separate or joint notice of appeal or application for appeal or upon the receipt of any order allowing, or notice of the allowance of, an appeal or a writ of certiorari \$5 shall be paid to the clerk of the bankruptcy court, by the appellant or petitioner.

“(d) Whenever any case or proceeding is dismissed in any bankruptcy court for want of jurisdiction, such court may order the payment of just costs.

“(e) The clerk of the bankruptcy court may collect only the fees prescribed under this section.”.

(b) The table of sections of chapter 123 of title 28 of the United States Code is amended by adding at the end thereof the following: “1930. Bankruptcy courts.”.

SEC. 247. Section 2075 of title 28 of the United States Code is amended by—

(1) striking out “under the Bankruptcy Act” and inserting in lieu thereof “in cases under title 11”; and

(2) by striking out the last sentence thereof.

SEC. 248. Section 2107 of title 28 of the United States Code is amended—

(1) by inserting “or the bankruptcy court” immediately after “district court”; and

(2) by striking out the final paragraph.

Ante, pp. 2582, 2641.

SEC. 249. Section 2201 of title 28 of the United States Code is amended by inserting “or a proceeding under section 505 or 1146 of title 11” immediately after “the Internal Revenue Code of 1954”.

SEC. 250. (a) Chapter 153 of title 28 of the United States Code is amended by adding at the end thereof the following:

28 USC 2256.

“§ 2256. Habeas corpus from bankruptcy courts

“A bankruptcy court may issue a writ of habeas corpus—

“(1) when appropriate to bring a person before the court—

“(A) for examination;

“(B) to testify; or

“(C) to perform a duty imposed on such person under this title; or

“(2) ordering the release of a debtor in a case under title 11 in custody under the judgment of a Federal or State court if—

“(A) such debtor was arrested or imprisoned on process in any civil action;

“(B) such process was issued for the collection of a debt—

“(i) dischargeable under title 11; or

“(ii) that is or will be provided for in a plan under chapter 11 or 13 of title 11; and

“(C) before the issuance of such writ, notice and a hearing have been afforded the adverse party of such debtor in custody to contest the issuance of such writ.”.

Ante, p. 2645:

(b) The table of sections for chapter 153 of title 28 of the United States Code is amended by adding at the end thereof the following:

“2256. Habeas corpus from bankruptcy courts.”.

SEC. 251. (a) Rule 1101(a) of the Federal Rules of Evidence is amended by striking out “, referees in bankruptcy,” 28 USC app.

(b) Rule 1101(b) of the Federal Rules of Evidence is amended by striking out “the Bankruptcy Act” and inserting in lieu thereof “title 11, United States Code”.

SEC. 252. Rule 1101(a) of the Federal Rules of Evidence is amended by inserting “the United States bankruptcy courts,” immediately after “the United States district courts,”.

TITLE III—AMENDMENTS TO OTHER ACTS

SEC. 301. Section 225(f)(C) of the Federal Salary Act of 1967 (2 U.S.C. 356(C)) is amended—

(1) by striking out “sections 402(d) and” and inserting “section” in lieu thereof; and

(2) by inserting “and magistrates” immediately before the semicolon.

SEC. 302. The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by adding at the end thereof the following:

“SEC. 19. (a) Notwithstanding title 11 of the United States Code, the Commission may provide, with respect to a commodity broker that is a debtor under chapter 7 of title 11 of the United States Code, by rule or regulation—

7 USC 24.

Ante, p. 2603.

“(1) that certain cash, securities, other property, or commodity contracts are to be included in or excluded from customer property or member property;

“(2) that certain cash, securities, other property, or commodity contracts are to be specifically identifiable to a particular customer in a specific capacity;

“(3) the method by which the business of such commodity broker is to be conducted or liquidated after the date of the filing of the petition under such chapter;

“(4) any persons to which customer property and commodity contracts may be transferred under section 766 of title 11 of the United States Code; and

Ante, p. 2619.

“(5) how the net equity of a customer is to be determined.

“(b) As used in this section, the terms ‘commodity broker’, ‘commodity contract’, ‘customer’, ‘customer property’, ‘member property’, ‘net equity’, and ‘security’ have the meanings assigned such terms for the purposes of subchapter IV of chapter 7 of title 11 of the United States Code.”

Definitions.

Ante, p. 2615.

SEC. 303. (a) Subsection (a) of section 4 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499d(a)), is amended by inserting “, unless the Secretary finds upon examination of the circumstances of such bankruptcy, which he shall examine if requested to do so by said licensee, that such circumstances do not warrant such termination” immediately after “bankrupt”:

(b) Subsection (e) of section 4 of such Act (7 U.S.C. 499d(e)) is amended by inserting “and if he finds that the circumstances of such bankruptcy warrant such a refusal,” immediately after “corporation adjudicated or discharged as a bankrupt.”

SEC. 304. Section 21(a) of the Agricultural Adjustment Act (7 U.S.C. 623(a)) is amended—

(1) by striking out “receivership, and bankruptcy” and inserting “and receivership” in lieu thereof; and

(2) by striking out “bankruptcy,” in the second sentence.