

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 180 days after Aug. 23, 2019, see section 5 of Pub. L. 116-54, set out as an Effective Date of 2019 Amendment note under section 101 of this title.

§ 1182. Definitions

In this subchapter:

(1) **DEBTOR.**—The term “debtor” means a small business debtor.

(2) **DEBTOR IN POSSESSION.**—The term “debtor in possession” means the debtor, unless removed as debtor in possession under section 1185(a) of this title.

(Added Pub. L. 116-54, §2(a), Aug. 23, 2019, 133 Stat. 1079; amended Pub. L. 116-136, div. A, title I, §1113(a)(1), (5), Mar. 27, 2020, 134 Stat. 310, 311; Pub. L. 117-151, §2(d), (i)(1)(B), June 21, 2022, 136 Stat. 1298, 1300.)

Editorial Notes

AMENDMENTS

2022—Par. (1). Pub. L. 117-151, §2(i)(1)(B), amended par. (1) generally. Prior to amendment, par. (1) consisted of subpars. (A) and (B) defining “debtor”.

Pub. L. 117-151, §2(d), amended par. (1) generally. Prior to amendment, text read as follows: “The term ‘debtor’ means a small business debtor.”

2020—Par. (1). Pub. L. 116-136, §1113(a)(5), amended par. (1) generally. Prior to amendment, par. (1) consisted of subpars. (A) and (B) defining “debtor”.

Pub. L. 116-136, §1113(a)(1), temporarily amended par. (1) generally. Prior to amendment, text read as follows: “The term ‘debtor’ means a small business debtor.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by section 2(d) of Pub. L. 117-151 applicable with respect to any case that is commenced under this title on or after Mar. 27, 2020, and with respect to a case that was commenced on or after Mar. 27, 2020, and before June 21, 2022, that is pending on June 21, 2022, see section 2(h)(2) of Pub. L. 117-151, set out as an Effective Date of 2022 Amendment; Retroactive Application note under section 101 of this title.

Pub. L. 117-151, §2(i)(1), June 21, 2022, 136 Stat. 1300, provided in part that the amendment made by section 2(i)(1)(B) is effective on the date that is 2 years after June 21, 2022.

EFFECTIVE DATE OF 2020 AMENDMENT

Pub. L. 116-136, div. A, title I, §1113(a)(3), Mar. 27, 2020, 134 Stat. 311, provided that: “The amendment made by paragraph (1) [amending this section] shall apply only with respect to cases commenced under title 11, United States Code, on or after the date of enactment of this Act [Mar. 27, 2020].”

Pub. L. 116-136, div. A, title I, §1113(a)(5), Mar. 27, 2020, 134 Stat. 311, as amended by Pub. L. 117-5, §2(a)(1), Mar. 27, 2021, 135 Stat. 249, provided in part that the amendment made by section 1113(a)(5) of Pub. L. 116-136 is effective 2 years after Mar. 27, 2020.

EFFECTIVE DATE

Section effective 180 days after Aug. 23, 2019, see section 5 of Pub. L. 116-54, set out as an Effective Date of 2019 Amendment note under section 101 of this title.

§ 1183. Trustee

(a) **IN GENERAL.**—If the United States trustee has appointed an individual under section 586(b) of title 28 to serve as standing trustee in cases

under this subchapter, and if such individual qualifies as a trustee under section 322 of this title, then that individual shall serve as trustee in any case under this subchapter. Otherwise, the United States trustee shall appoint one disinterested person to serve as trustee in the case or the United States trustee may serve as trustee in the case, as necessary.

(b) **DUTIES.**—The trustee shall—

(1) perform the duties specified in paragraphs (2), (5), (6), (7), and (9) of section 704(a) of this title;

(2) perform the duties specified in paragraphs (3), (4), and (7) of section 1106(a) of this title, if the court, for cause and on request of a party in interest, the trustee, or the United States trustee, so orders;

(3) appear and be heard at the status conference under section 1188 of this title and any hearing that concerns—

(A) the value of property subject to a lien;

(B) confirmation of a plan filed under this subchapter;

(C) modification of the plan after confirmation; or

(D) the sale of property of the estate;

(4) ensure that the debtor commences making timely payments required by a plan confirmed under this subchapter;

(5) if the debtor ceases to be a debtor in possession—

(A) perform the duties specified in section 704(a)(8) and paragraphs (1), (2), and (6) of section 1106(a) of this title; and

(B) be authorized to operate the business of the debtor;

(6) if there is a claim for a domestic support obligation with respect to the debtor, perform the duties specified in section 704(c) of this title; and

(7) facilitate the development of a consensual plan of reorganization.

(c) **TERMINATION OF TRUSTEE SERVICE.**—

(1) **IN GENERAL.**—If the plan of the debtor is confirmed under section 1191(a) of this title, the service of the trustee in the case shall terminate when the plan has been substantially consummated, except that the United States trustee may reappoint a trustee as needed for performance of duties under subsection (b)(3)(C) of this section and section 1185(a) of this title.

(2) **SERVICE OF NOTICE OF SUBSTANTIAL CONSUMMATION.**—Not later than 14 days after the plan of the debtor is substantially consummated, the debtor shall file with the court and serve on the trustee, the United States trustee, and all parties in interest notice of such substantial consummation.

(Added Pub. L. 116-54, §2(a), Aug. 23, 2019, 133 Stat. 1079; amended Pub. L. 117-151, §2(e), June 21, 2022, 136 Stat. 1299.)

Editorial Notes

AMENDMENTS

2022—Subsec. (b)(5). Pub. L. 117-151 substituted “possession—” for “possession,” designated remainder of existing provisions as subpar. (A), struck out “, including operating the business of the debtor” after

“1106(a) of this title”, inserted “and” at end, and added subpar. (B).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-151 applicable with respect to any case that is commenced under this title on or after Mar. 27, 2020, and with respect to a case that was commenced on or after Mar. 27, 2020, and before June 21, 2022, that is pending on June 21, 2022, see section 2(h)(2) of Pub. L. 117-151, set out as an Effective Date of 2022 Amendment; Retroactive Application note under section 101 of this title.

EFFECTIVE DATE

Section effective 180 days after Aug. 23, 2019, see section 5 of Pub. L. 116-54, set out as an Effective Date of 2019 Amendment note under section 101 of this title.

§ 1184. Rights and powers of a debtor in possession

Subject to such limitations or conditions as the court may prescribe, a debtor in possession shall have all the rights, other than the right to compensation under section 330 of this title, and powers, and shall perform all functions and duties, except the duties specified in paragraphs (2), (3), and (4) of section 1106(a) of this title, of a trustee serving in a case under this chapter, including operating the business of the debtor.

(Added Pub. L. 116-54, §2(a), Aug. 23, 2019, 133 Stat. 1080.)

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EFFECTIVE DATE

Section effective 180 days after Aug. 23, 2019, see section 5 of Pub. L. 116-54, set out as an Effective Date of 2019 Amendment note under section 101 of this title.

§ 1185. Removal of debtor in possession

(a) IN GENERAL.—On request of a party in interest, and after notice and a hearing, the court shall order that the debtor shall not be a debtor in possession for cause, including fraud, dishonesty, incompetence, or gross mismanagement of the affairs of the debtor, either before or after the date of commencement of the case, or for failure to perform the obligations of the debtor under a plan confirmed under this subchapter.

(b) REINSTATEMENT.—On request of a party in interest, and after notice and a hearing, the court may reinstate the debtor in possession.

(Added Pub. L. 116-54, §2(a), Aug. 23, 2019, 133 Stat. 1080.)

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Section effective 180 days after Aug. 23, 2019, see section 5 of Pub. L. 116-54, set out as an Effective Date of 2019 Amendment note under section 101 of this title.

§ 1186. Property of the estate

(a) INCLUSIONS.—If a plan is confirmed under section 1191(b) of this title, property of the estate includes, in addition to the property specified in section 541 of this title—

(1) all property of the kind specified in that section that the debtor acquires after the date

of commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13 of this title, whichever occurs first; and

(2) earnings from services performed by the debtor after the date of commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13 of this title, whichever occurs first.

(b) DEBTOR REMAINING IN POSSESSION.—Except as provided in section 1185 of this title, a plan confirmed under this subchapter, or an order confirming a plan under this subchapter, the debtor shall remain in possession of all property of the estate.

(Added Pub. L. 116-54, §2(a), Aug. 23, 2019, 133 Stat. 1081.)

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Section effective 180 days after Aug. 23, 2019, see section 5 of Pub. L. 116-54, set out as an Effective Date of 2019 Amendment note under section 101 of this title.

§ 1187. Duties and reporting requirements of debtors

(a) FILING REQUIREMENTS.—Upon electing to be a debtor under this subchapter, the debtor shall file the documents required by subparagraphs (A) and (B) of section 1116(1) of this title.

(b) OTHER APPLICABLE PROVISIONS.—A debtor, in addition to the duties provided in this title and as otherwise required by law, shall comply with the requirements of section 308 and paragraphs (2), (3), (4), (5), (6), and (7) of section 1116 of this title.

(c) SEPARATE DISCLOSURE STATEMENT EXEMPTION.—If the court orders under section 1181(b) of this title that section 1125 of this title applies, section 1125(f) of this title shall apply.

(Added Pub. L. 116-54, §2(a), Aug. 23, 2019, 133 Stat. 1081.)

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Section effective 180 days after Aug. 23, 2019, see section 5 of Pub. L. 116-54, set out as an Effective Date of 2019 Amendment note under section 101 of this title.

§ 1188. Status conference

(a) IN GENERAL.—Except as provided in subsection (b), not later than 60 days after the entry of the order for relief under this chapter, the court shall hold a status conference to further the expeditious and economical resolution of a case under this subchapter.

(b) EXCEPTION.—The court may extend the period of time for holding a status conference under subsection (a) if the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable.

(c) REPORT.—Not later than 14 days before the date of the status conference under subsection (a), the debtor shall file with the court and serve on the trustee and all parties in interest a report that details the efforts the debtor has undertaken and will undertake to attain a consensual plan of reorganization.