

HISTORICAL AND REVISION NOTES

SENATE REPORT NO. 95-989

At any time prior to the completion of payments under a confirmed plan, the plan may be modified, after notice and hearing, to change the amount of payments to creditors or a particular class of creditors and to extend or reduce the payment period. A modified plan may not contain any provision which could not be included in an original plan as prescribed by section 1322. A modified plan may not call for payments to be made beyond four years as measured from the date of the commencement of payments under the original plan.

Editorial Notes

AMENDMENTS

2021—Subsec. (d)(1). Pub. L. 117-5 substituted “the COVID-19 Bankruptcy Relief Extension Act of 2021” for “this subsection” in introductory provisions.

2020—Subsec. (d). Pub. L. 116-136, §1113(b)(2)(A)(ii), struck out subsec. (d) which related to modification of plan confirmed before Mar. 27, 2020, where debtor experienced material financial hardship due to coronavirus disease 2019 (COVID-19) pandemic.

Pub. L. 116-136, §1113(b)(1)(C), added subsec. (d).

Subsec. (e). Pub. L. 116-260, §1001(e)(2), struck out subsec. (e) which related to debtor of case for which creditor files proof of claim under section 501(f) of this title.

Pub. L. 116-260, §1001(e)(1), added subsec. (e).

2005—Subsec. (a)(4). Pub. L. 109-8, §102(i), added par. (4).

Subsec. (c). Pub. L. 109-8, §318(4), substituted “the applicable commitment period under section 1325(b)(1)(B)” for “three years”.

1984—Subsec. (a). Pub. L. 98-353, §319, 533(1), (2), inserted “of the plan” after “confirmation”, substituted “such plan” for “a plan”, and inserted provisions respecting requests by the debtor, the trustee, or the holder of an allowed unsecured claim for modification.

Subsec. (a)(3). Pub. L. 98-353, §533(3), substituted “plan to” for “plan, to”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2020 AMENDMENT

Pub. L. 116-260, div. FF, title X, §1001(e)(2), Dec. 27, 2020, 134 Stat. 3219, provided that the amendment made by section 1001(e)(2) is effective on the date that is 1 year after Dec. 27, 2020.

Pub. L. 116-136, div. A, title I, §1113(b)(1)(D)(ii), Mar. 27, 2020, 134 Stat. 312, as amended by Pub. L. 117-5, §2(b)(2), Mar. 27, 2021, 135 Stat. 249, provided that: “The amendment made by subparagraph (C) [amending this section] shall apply to any case for which a plan has been confirmed under section 1325 of title 11, United States Code, before the date of enactment of the COVID-19 Bankruptcy Relief Extension Act of 2021 [Pub. L. 117-5, approved Mar. 27, 2021].”

Amendment by section 1113(b)(2)(A)(iii) of Pub. L. 116-136, effective 2 years after Mar. 27, 2020, see section 1113(b)(2)(B) of Pub. L. 116-136, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-8 effective 180 days after Apr. 20, 2005, and not applicable with respect to cases commenced under this title before such effective date, except as otherwise provided, see section 1501 of Pub. L. 109-8, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-353 effective with respect to cases filed 90 days after July 10, 1984, see section 552(a) of Pub. L. 98-353, set out as a note under section 101 of this title.

§ 1330. Revocation of an order of confirmation

(a) On request of a party in interest at any time within 180 days after the date of the entry

of an order of confirmation under section 1325 of this title, and after notice and a hearing, the court may revoke such order if such order was procured by fraud.

(b) If the court revokes an order of confirmation under subsection (a) of this section, the court shall dispose of the case under section 1307 of this title, unless, within the time fixed by the court, the debtor proposes and the court confirms a modification of the plan under section 1329 of this title.

(Pub. L. 95-598, Nov. 6, 1978, 92 Stat. 2651.)

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LEGISLATIVE STATEMENTS

Section 1331 of the House bill and Senate amendment is deleted in the House amendment.

Special tax provision: Section 1331 of title 11 of the House bill and the comparable provisions in sections 1322 and 1327(d) of the Senate amendment, pertaining to assessment and collection of taxes in wage earner plans, are deleted, and the governing rule is placed in section 505(c) of the House amendment. The provisions of both bills allowing assessment and collection of taxes after confirmation of the wage-earner plan are modified to allow assessment and collection after the court fixes the fact and amount of a tax liability, including administrative period taxes, regardless of whether this occurs before or after confirmation of the plan. The provision of the House bill limiting the collection of taxes to those assessed before one year after the filing of the petition is eliminated, thereby leaving the period of limitations on assessment of these non-dischargeable tax liabilities the usual period provided by the Internal Revenue Code [Title 26].

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The court may revoke an order of confirmation procured by fraud, after notice and hearing, on application of a party in interest filed within 180 days after the entry of the order. Thereafter, unless a modified plan is confirmed, the court is to convert or dismiss the chapter 13 case as provided in section 1307.

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¹ So in original. Section catchline amended by Pub. L. 111-327 without corresponding amendment of chapter analysis.