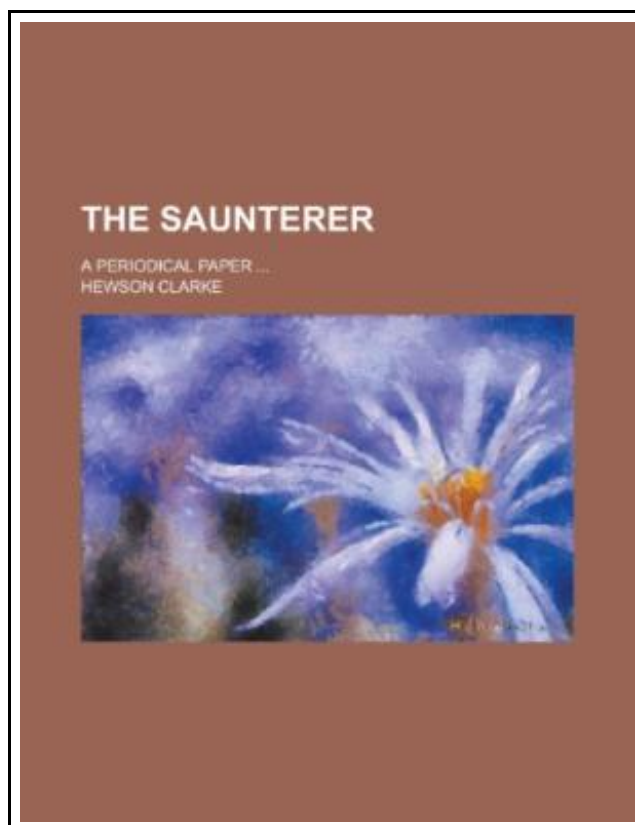


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RareBooksClub. Paperback. Book Condition: New. This item is printed on demand. Paperback. 604 pages. LC Number: KF32 . J8 2005p OCLC Number: (OCoLC)59759063 Subject: Bankruptcy -- United States. Excerpt: . . . 11 been a part of American bankruptcy law since the enactment of the 42 Bankruptcy Act of 1898. The concept of needs-based bankruptcy relief has long been de-bated in the United States. President Herbert Hoover, for instance, recommended to Congress in 1932, The discretion of the courts in granting or refusing discharges should be broadened, and they should be authorized to postpone discharges for a time and require bankrupts, during the period of suspension, to make some satisfac-tion out of after-acquired property as a condition to the granting 43 of a full discharge. In 1938, chapter XIII (the predecessor to chapter 13 of the Bankruptcy Code) was enacted as a purely vol-untary form of bankruptcy relief that allowed a debtor to propose 44 a plan to repay creditors out of future earnings. Over the ensuing years, there continued to be repeated expres-sions of support for and opposition to means-testing bankruptcy re-45 form. In 1967, various organizations testifying before Congress in support of such reform included the American Bar Association, the American Bankers Association, the Chamber of Commerce of the United States, CUNA, the National Federation of Independent 46 Businesses, and the American Industrial Bankers Association. The Commission on the Bankruptcy Laws of the United States, while supporting the concept that repayment plans should be fos-tered, nevertheless concluded in 1973 that forced participation by a debtor in a plan requiring contributions out of future income has so little prospect for success that it should not be adopted as a fea-47 ture of the bankruptcy system. The Bankruptcy Reform Act of 48 1978 retained the principle that a...



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