

the Judicial Conference of the United States shall prescribe in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure [11 U.S.C. App.] official standard form disclosure statements and plans of reorganization for small business debtors (as defined in section 101 of title 11, United States Code, as amended by this Act), designed to achieve a practical balance between—

“(1) the reasonable needs of the courts, the United States trustee, creditors, and other parties in interest for reasonably complete information; and

“(2) economy and simplicity for debtors.”

UNIFORM REPORTING RULES AND FORMS FOR SMALL BUSINESS CASES

Pub. L. 109–8, title IV, §435, Apr. 20, 2005, 119 Stat. 111, provided that:

“(a) PROPOSAL OF RULES AND FORMS.—The Judicial Conference of the United States shall propose in accordance with section 2073 of title 28 of the United States Code amended Federal Rules of Bankruptcy Procedure, and shall prescribe in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure [11 U.S.C. App.] official bankruptcy forms, directing small business debtors to file periodic financial and other reports containing information, including information relating to—

“(1) the debtor’s profitability;

“(2) the debtor’s cash receipts and disbursements; and

“(3) whether the debtor is timely filing tax returns and paying taxes and other administrative expenses when due.

“(b) PURPOSE.—The rules and forms proposed under subsection (a) shall be designed to achieve a practical balance among—

“(1) the reasonable needs of the bankruptcy court, the United States trustee, creditors, and other parties in interest for reasonably complete information;

“(2) a small business debtor’s interest that required reports be easy and inexpensive to complete; and

“(3) the interest of all parties that the required reports help such debtor to understand such debtor’s financial condition and plan the [sic] such debtor’s future.”

§ 2074. Rules of procedure and evidence; submission to Congress; effective date

(a) The Supreme Court shall transmit to the Congress not later than May 1 of the year in which a rule prescribed under section 2072 is to become effective a copy of the proposed rule. Such rule shall take effect no earlier than December 1 of the year in which such rule is so transmitted unless otherwise provided by law. The Supreme Court may fix the extent such rule shall apply to proceedings then pending, except that the Supreme Court shall not require the application of such rule to further proceedings then pending to the extent that, in the opinion of the court in which such proceedings are pending, the application of such rule in such proceedings would not be feasible or would work injustice, in which event the former rule applies.

(b) Any such rule creating, abolishing, or modifying an evidentiary privilege shall have no force or effect unless approved by Act of Congress.

(Added Pub. L. 100–702, title IV, §401(a), Nov. 19, 1988, 102 Stat. 4649.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2074, act July 27, 1954, ch. 583, §1, 68 Stat. 567, empowered the Supreme Court to prescribe

rules for review of decisions of the Tax Court of the United States, prior to repeal by Pub. L. 89–773, §2, Nov. 6, 1966, 80 Stat. 1323.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Dec. 1, 1988, see section 407 of Pub. L. 100–702, set out as an Effective Date of 1988 Amendment note under section 2071 of this title.

AMENDMENT TO RULE 23 OF FEDERAL RULES OF CIVIL PROCEDURE; EFFECTIVE DATE

Pub. L. 109–2, §7, Feb. 18, 2005, 119 Stat. 13, provided that: “Notwithstanding any other provision of law, the amendments to rule 23 of the Federal Rules of Civil Procedure, which are set forth in the order entered by the Supreme Court of the United States on March 27, 2003, shall take effect on the date of enactment of this Act [Feb. 18, 2005] or on December 1, 2003 (as specified in that order), whichever occurs first.”

MODIFICATION OF AMENDMENTS TO FEDERAL RULES OF CRIMINAL PROCEDURE PROPOSED APRIL 29, 2002; EFFECTIVE DATE

Pub. L. 107–273, div. C, title I, §11019(a), Nov. 2, 2002, 116 Stat. 1825, provided that: “The proposed amendments to the Federal Rules of Criminal Procedure that are embraced by an order entered by the Supreme Court of the United States on April 29, 2002, shall take effect on December 1, 2002, as otherwise provided by law, but with the amendments made in subsection (b) [amending Rule 16 of the Federal Rules of Criminal Procedure].”

MODIFICATION OF AMENDMENTS TO FEDERAL RULES OF EVIDENCE PROPOSED APRIL 29, 1994; EFFECTIVE DATE

Pub. L. 103–322, title IV, §40141, Sept. 13, 1994, 108 Stat. 1918, provided that:

“(a) MODIFICATION OF PROPOSED AMENDMENT.—The proposed amendments to the Federal Rules of Evidence that are embraced by an order entered by the Supreme Court of the United States on April 29, 1994, shall take effect on December 1, 1994, as otherwise provided by law, but with the amendment made by subsection (b).

“(b) RULE.—[Amended Rule 412 of the Federal Rules of Evidence.]

“(c) TECHNICAL AMENDMENT.—[Amended table of contents for the Federal Rules of Evidence.]”

MODIFICATION OF AMENDMENTS TO FEDERAL RULES OF CRIMINAL PROCEDURE PROPOSED APRIL 29, 1994; EFFECTIVE DATE

Pub. L. 103–322, title XXIII, §230101, Sept. 13, 1994, 108 Stat. 2077, provided that:

“(a) MODIFICATION OF PROPOSED AMENDMENTS.—The proposed amendments to the Federal Rules of Criminal Procedure which are embraced by an order entered by the Supreme Court of the United States on April 29, 1994, shall take effect on December 1, 1994, as otherwise provided by law, but with the following amendments:

“(b) IN GENERAL.—[Amended Rule 32 of the Federal Rules of Criminal Procedure.]

“(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall become effective on December 1, 1994.”

AMENDMENTS TO CIVIL RULES PROPOSED APRIL 30, 1991

Pub. L. 102–198, §11, Dec. 9, 1991, 105 Stat. 1626, provided that:

“(a) TECHNICAL AMENDMENT.—Rule 15(c)(3) of the Federal Rules of Civil Procedure for the United States Courts, as transmitted to the Congress by the Supreme Court pursuant to section 2074 of title 28, United States Code, to become effective on December 1, 1991, is amended by striking ‘Rule 4(m)’ and inserting ‘Rule 4(j)’.

“(b) AMENDMENT TO FORMS.—Form 1–A, Notice of Lawsuit and Request for Waiver of Service of Sum-

mons, and Form 1-B, Waiver of Service of Summons, included in the transmittal by the Supreme Court described in subsection (a), shall not be effective and Form 18-A, Notice and Acknowledgment for Service by Mail, abrogated by the Supreme Court in such transmittal, effective December 1, 1991, shall continue in effect on or after that date."

AMENDMENTS TO CIVIL RULES PROPOSED APRIL 28, 1982

Pub. L. 97-462, § 5, Jan. 12, 1983, 96 Stat. 2530, provided that: "The amendments to the Federal Rules of Civil Procedure [Rule 4], the effective date of which was delayed by the Act entitled 'An Act to delay the effective date of proposed amendments to rule 4 of the Federal Rules of Civil Procedure', approved August 2, 1982 (96 Stat. 246) [Pub. L. 97-227, see below], shall not take effect."

Pub. L. 97-227, Aug. 2, 1982, 96 Stat. 246, provided: "That notwithstanding the provisions of section 2072 of title 28, United States Code, the amendments to rule 4 of the Federal Rules of Civil Procedure as proposed by the Supreme Court of the United States and transmitted to the Congress by the Chief Justice on April 28, 1982, shall take effect on October 1, 1983, unless previously approved, disapproved, or modified by Act of Congress.

"SEC. 2. This Act shall be effective as of August 1, 1982, but shall not apply to the service of process that takes place between August 1, 1982, and the date of enactment of this Act [Aug. 2, 1982]."

AMENDMENTS TO CRIMINAL RULES AND RULES OF EVIDENCE PROPOSED APRIL 30, 1979; POSTPONEMENT OF EFFECTIVE DATE

Pub. L. 96-42, July 31, 1979, 93 Stat. 326, provided: "That notwithstanding any provision of section 3771 or 3772 of title 18 of the United States Code or of section 2072, 2075, or 2076 of title 28 of the United States Code to the contrary—

"(1) the amendments proposed by the United States Supreme Court and transmitted by the Chief Justice on April 30, 1979, to the Federal Rules of Criminal Procedure affecting rules 11(e)(6), 17(h), 32(f), and 44(c), and adding new rules 26.2 and 32.1, and the amendment so proposed and transmitted to the Federal Rules of Evidence affecting rule 410, shall not take effect until December 1, 1980, or until and then only to the extent approved by Act of Congress, whichever is earlier; and

"(2) the amendment proposed by the United States Supreme Court and transmitted by the Chief Justice on April 30, 1979, affecting rule 40 of the Federal Rules of Criminal Procedure shall take effect on August 1, 1979, with the following amendments:

"(A) In the matter designated as paragraph (1) of subdivision (d), strike out 'in accordance with Rule 32.1(a)'. "

"(B) In the matter designated as paragraph (2) of subdivision (d), strike out 'in accordance with Rule 32.1(a)(1)'."

APPROVAL AND EFFECTIVE DATE OF AMENDMENTS PROPOSED APRIL 26, 1976

Pub. L. 95-78, § 1, July 30, 1977, 91 Stat. 319, provided: "That notwithstanding the first section of the Act entitled 'An Act to delay the effective date of certain proposed amendments to the Federal Rules of Criminal Procedure and certain other rules promulgated by the United States Supreme Court' (Public Law 94-349, approved July 8, 1976) [90 Stat. 822] the amendments to rules 6(e), 23, 24, 40.1, and 41(c)(2) of the Rules of Criminal Procedure for the United States district courts [set out in the Appendix to Title 18, Crimes and Criminal Procedure] which are embraced by the order entered by the United States Supreme Court on April 26, 1976, shall take effect only as provided in this Act [see section 4 of Pub. L. 95-78, set out below]."

EFFECTIVE DATE OF PUB. L. 95-78

Pub. L. 95-78, § 4, July 30, 1977, 91 Stat. 322, provided that:

"(a) The first section of this Act [set out as a note above] shall take effect on the date of the enactment of this Act [July 30, 1977].

"(b) Sections 2 and 3 of this Act [which amended section 1446 of this title, approved proposed amendment of rule 23 of the Federal Rules of Criminal Procedure, modified and approved proposed amendment of rules 6 and 41 of the Federal Rules of Criminal Procedure, and disapproved the proposed amendment of rule 24 of the Federal Rules of Criminal Procedure and the proposed addition of rule 40.1 of the Federal Rules of Criminal Procedure] shall take effect October 1, 1977."

APPROVAL AND EFFECTIVE DATE OF RULES GOVERNING SECTION 2254 CASES AND SECTION 2255 PROCEEDINGS FOR UNITED STATES DISTRICT COURTS

Pub. L. 94-426, § 1, Sept. 28, 1976, 90 Stat. 1334, provided: "That the rules governing section 2254 cases in the United States district courts and the rules governing section 2255 proceedings for the United States district courts, as proposed by the United States Supreme Court, which were delayed by the Act entitled 'An Act to delay the effective date of certain proposed amendments to the Federal Rules of Criminal Procedure and certain other rules promulgated by the United States Supreme Court' (Public Law 94-349), are approved with the amendments set forth in section 2 of this Act and shall take effect as so amended, with respect to petitions under section 2254 and motions under section 2255 of title 28 of the United States Code filed on or after February 1, 1977."

AMENDMENTS TO CRIMINAL RULES UNDER SUPREME COURT ORDER OF APRIL 26, 1976; POSTPONEMENT OF EFFECTIVE DATE

Pub. L. 94-349, § 1, July 8, 1976, 90 Stat. 822, provided: "That, notwithstanding the provisions of sections 3771 and 3772 of title 18 of the United States Code the amendments to rules 6(e), 23, 24, 40.1 and 41(c)(2) of the Rules of Criminal Procedure for the United States district courts which are embraced by the order entered by the United States Supreme Court on April 26, 1976, and which were transmitted to the Congress on or about April 26, 1976, shall not take effect until August 1, 1977, or until and to the extent approved by Act of Congress, whichever is earlier. The remainder of the proposed amendments to the Federal Rules of Criminal Procedure [rules 6(f), 41(a), (c)(1), and 50(b)] shall become effective August 1, 1976, pursuant to law."

POSTPONEMENT OF EFFECTIVE DATE OF PROPOSED RULES AND FORMS GOVERNING PROCEEDINGS UNDER SECTIONS 2254 AND 2255 OF THIS TITLE

Pub. L. 94-349, § 2, July 8, 1976, 90 Stat. 822, provided: "That, notwithstanding the provisions of section 2072 of title 28 of the United States Code, the rules and forms governing section 2254 [section 2254 of this title] cases in the United States district courts and the rules and forms governing section 2255 [section 2255 of this title] proceedings in the United States district courts which are embraced by the order entered by the United States Supreme Court on April 26, 1976, and which were transmitted to the Congress on or about April 26, 1976, shall not take effect until thirty days after the adjournment sine die of the 94th Congress, or until and to the extent approved by Act of Congress, whichever is earlier."

APPROVAL AND EFFECTIVE DATE OF AMENDMENTS PROPOSED APRIL 22, 1974

Pub. L. 94-64, § 2, July 31, 1975, 89 Stat. 370, provided that: "The amendments proposed by the United States Supreme Court to the Federal Rules of Criminal Procedure [adding rules 12.1, 12.2, and 29.1 and amending rules 4, 9(a), 11, 12, 15, 16, 17(f), 20, 32(a), (c), and (e), and 43] which are embraced in the order of that Court on April 22, 1974, are approved except as otherwise provided in this Act [making further amendments to rules 4, 9(a), 11, 12, 12.1, 12.2, 15, 16, 17(f), 20, 32(a), (c), and (e), and 43]

and shall take effect on December 1, 1975. Except with respect to the amendment to Rule 11, insofar as it adds Rule 11(e)(6), which shall take effect on August 1, 1975, the amendments made by section 3 of this Act shall also take effect on December 1, 1975.”

APPROVAL AND EFFECTIVE DATE OF AMENDMENTS
PROPOSED NOVEMBER 20, 1972 AND DECEMBER 18, 1972

Pub. L. 93-595, § 3, Jan. 2, 1975, 88 Stat. 1949, provided that: “The Congress expressly approves the amendments to the Federal Rules of Civil Procedure [Rules 30(c), 32(c), 43, and 44.1] and the amendments to the Federal Rules of Criminal Procedure [Rules 26, 26.1, and 28], which are embraced by the orders entered by the Supreme Court of the United States on November 20, 1972, and December 18, 1972, and such amendments shall take effect on the one hundred and eightieth day beginning after the date of the enactment of this Act [Jan. 2, 1975].”

AMENDMENTS TO CRIMINAL RULES UNDER SUPREME
COURT ORDER OF APRIL 22, 1974; POSTPONEMENT OF
EFFECTIVE DATE UNTIL AUGUST 1, 1975

Pub. L. 93-361, July 30, 1974, 88 Stat. 397, provided: “That, notwithstanding the provisions of sections 3771 and 3772 of title 18 of the United States Code, the effective date of the proposed amendments to the Federal Rules of Criminal Procedure which are embraced by the order entered by the United States Supreme Court on April 22, 1974, and which were transmitted to the Congress by the Chief Justice on April 22, 1974, is postponed until August 1, 1975.”

CONGRESSIONAL APPROVAL REQUIREMENT FOR PRO-
POSED RULES OF EVIDENCE FOR UNITED STATES
COURTS AND AMENDMENTS TO FEDERAL RULES OF
CIVIL PROCEDURE AND CRIMINAL PROCEDURE; SUSPEN-
SION OF EFFECTIVENESS OF SUCH RULES

Pub. L. 93-12, Mar. 30, 1973, 87 Stat. 9, provided: “That notwithstanding any other provisions of law, the Rules of Evidence for United States Courts and Magistrates, the Amendments to the Federal Rules of Civil Procedure, and the Amendments to the Federal Rules of Criminal Procedure, which are embraced by the orders entered by the Supreme Court of the United States on Monday, November 20, 1972, and Monday, December 18, 1972, shall have no force or effect except to the extent, and with such amendments, as they may be expressly approved by the Act of Congress.”

§ 2075. Bankruptcy rules

The Supreme Court shall have the power to prescribe by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure in cases under title 11.

Such rules shall not abridge, enlarge, or modify any substantive right.

The Supreme Court shall transmit to Congress not later than May 1 of the year in which a rule prescribed under this section is to become effective a copy of the proposed rule. The rule shall take effect no earlier than December 1 of the year in which it is transmitted to Congress unless otherwise provided by law.

The bankruptcy rules promulgated under this section shall prescribe a form for the statement required under section 707(b)(2)(C) of title 11 and may provide general rules on the content of such statement.

(Added Pub. L. 88-623, § 1, Oct. 3, 1964, 78 Stat. 1001; amended Pub. L. 95-598, title II, § 247, Nov. 6, 1978, 92 Stat. 2672; Pub. L. 103-394, title I, § 104(f), Oct. 22, 1994, 108 Stat. 4110; Pub. L. 109-8, title XII, § 1232, Apr. 20, 2005, 119 Stat. 202.)

Editorial Notes

AMENDMENTS

2005—Pub. L. 109-8 inserted at end “The bankruptcy rules promulgated under this section shall prescribe a form for the statement required under section 707(b)(2)(C) of title 11 and may provide general rules on the content of such statement.”

1994—Pub. L. 103-394 amended third par. generally. Prior to amendment, third par. read as follows: “Such rules shall not take effect until they have been reported to Congress by the Chief Justice at or after the beginning of a regular session thereof but not later than the first day of May and until the expiration of ninety days after they have been thus reported.”

1978—Pub. L. 95-598 substituted “in cases under title 11” for “under the Bankruptcy Act” and struck out provisions directing that all laws in conflict with bankruptcy rules be of no further force or effect after such rules have taken effect.

Statutory Notes and Related Subsidiaries

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 Title 11, Bankruptcy, 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 Title 11.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-394 effective Oct. 22, 1994, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before Oct. 22, 1994, see section 702 of Pub. L. 103-394, set out as a note under section 101 of Title 11.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Nov. 6, 1978, see section 402(d) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

RULES PROMULGATED BY SUPREME COURT

Pub. L. 98-353, title III, § 320, July 10, 1984, 98 Stat. 357, provided that: “The Supreme Court shall prescribe general rules implementing the practice and procedure to be followed under section 707(b) of title 11, United States Code. Section 2075 of title 28, United States Code, shall apply with respect to the general rules prescribed under this section.”

APPLICABILITY OF RULES TO CASES UNDER TITLE 11

Pub. L. 95-598, title IV, § 405(d), Nov. 6, 1978, 92 Stat. 2685, provided that: “The rules prescribed under section 2075 of title 28 of the United States Code and in effect on September 30, 1979, shall apply to cases under title 11, to the extent not inconsistent with the amendments made by this Act, or with this Act [see Tables for complete classification of Pub. L. 95-598], until such rules are repealed or superseded by rules prescribed and effective under such section, as amended by section 248 [247] of this Act.”

ADDITIONAL RULEMAKING POWER

Pub. L. 95-598, title IV, § 410, Nov. 6, 1978, 92 Stat. 2687, provided that: “The Supreme Court may issue such additional rules of procedure, consistent with Acts of Congress, as may be necessary for the orderly transfer of functions and records and the orderly transition to the new bankruptcy court system created by this Act [see Tables for complete classification of Pub. L. 95-598].”

[§ 2076. Repealed. Pub. L. 100-702, title IV, § 401(c), Nov. 19, 1988, 102 Stat. 4650]

Section, added Pub. L. 93-595, § 2(a)(1), Jan. 2, 1975, 88 Stat. 1948; amended Pub. L. 94-149, § 2, Dec. 12, 1975, 89