

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