

**PROPOSED AMENDMENTS TO THE FEDERAL  
RULES OF BANKRUPTCY PROCEDURE<sup>1</sup>**

1   **Rule 2005.   Apprehension and Removal of Debtor to**  
2                   **Compel Attendance for Examination**

3                                   \* \* \* \* \*

4                   (c) CONDITIONS OF RELEASE. In determining  
5   what conditions will reasonably assure attendance or  
6   obedience under subdivision (a) of this rule or appearance  
7   under subdivision (b) of this rule, the court shall be governed  
8   by the relevant provisions and policies of title 18, U.S.C.,  
9   § ~~3146(a) and (b)~~ 3142.

**Committee Note**

The rule is amended to replace the reference to 18 U.S.C. § 3146(a) and (b) with a reference to 18 U.S.C. § 3142. Sections 3141 through 3151 of Title 18 were repealed by the Bail Reform Act of 1984, Pub. L. No. 98-473, Title II, § 203(a), 98 Stat. 1976 (1984), and replaced by new provisions dealing with bail. The current version of 18 U.S.C. § 3146 deals not with conditions to assure attendance or appearance, but with penalties for failure to appear. The topic of conditions is in 18 U.S.C. § 3142. Because 18 U.S.C. § 3142 contains provisions bearing on

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<sup>1</sup> New material is underlined; matter to be omitted is lined through.

topics not included in former 18 U.S.C. § 3146(a) and (b), the rule is also amended to limit the reference to the “relevant” provisions and policies of § 3142.

1 **Rule 3007. Objections to Claims**

2 (a) TIME AND MANNER OF SERVICE

3 \* \* \* \* \*

4 (2) *Manner of Service.*

5 (A) The objection and notice shall be served  
6 on a claimant by first-class mail to the person  
7 most recently designated on the claimant's  
8 original or amended proof of claim as the  
9 person to receive notices, at the address so  
10 indicated; and

11 \* \* \* \* \*

12 (ii) if the objection is to a claim of an  
13 insured depository institution as  
14 defined in section 3 of the Federal  
15 Deposit Insurance Act, in the manner  
16 provided in Rule 7004(h).

17 \* \* \* \* \*

**Committee Note**

Subdivision (a)(2)(A)(ii) is amended to clarify that the special service method required by Rule 7004(h) must be used for service of objections to claims only on insured depository institutions as defined in section 3 of the Federal Deposit Insurance Act, 12 U.S.C. § 1813. Rule 7004(h) was enacted by Congress as part of the Bankruptcy Reform Act of 1994. It applies only to insured depository institutions that are insured by the Federal Deposit Insurance Corporation and does not include credit unions, which are instead insured by the National Credit Union Administration. A credit union, therefore, may be served with an objection to a claim according to Rule 3007(a)(2)(A)—by first-class mail sent to the person designated for receipt of notice on the credit union’s proof of claim.

1 **Rule 7007.1. Corporate Ownership Statement**

2 (a) REQUIRED DISCLOSURE. Any  
3 nongovernmental corporation that is a party to an adversary  
4 proceeding, other than the debtor, ~~or a governmental unit,~~  
5 shall file ~~two copies of~~ a statement that identifies any parent  
6 corporation and any publicly held corporation, ~~other than a~~  
7 ~~governmental unit, that directly or indirectly~~ that owns 10%  
8 or more of any class of the corporation's equity interests, its  
9 stock or states that there ~~are no entities to report under this~~  
10 ~~subdivision~~ is no such corporation. The same requirement  
11 applies to a nongovernmental corporation that seeks to  
12 intervene.

13 (b) TIME FOR FILING; SUPPLEMENTAL  
14 FILING. ~~A party shall file the~~ The corporate ownership  
15 statement ~~shall: required under Rule 7007.1(a)~~

16 (1) be filed with ~~its~~ the corporation's first  
17 appearance, pleading, motion, response, or other  
18 request addressed to the court; and

19                    (2) be supplemented whenever the  
20                    information required by this rule changes A  
21                    ~~party shall file a supplemental statement~~  
22                    ~~promptly upon any change in circumstances~~  
23                    ~~that this rule requires the party to identify or~~  
24                    ~~disclose.~~

**Committee Note**

The rule is amended to conform to recent amendments to Fed. R. Bankr. P. 8012 and Fed. R. App. P. 26.1, and the anticipated amendment to Fed. R. Civ. P. 7.1. Subdivision (a) is amended to encompass nongovernmental corporations that seek to intervene. Stylistic changes are made to subdivision (b) to reflect that some statements will be filed by nonparties seeking to intervene.

1 **Rule 9036. Notice and Service Generally—by**  
2 **Electronic Transmission**

3 (a) IN GENERAL. This rule applies ~~W~~whenever  
4 these rules require or permit sending a notice or serving a  
5 paper by mail or other means, ~~the clerk, or some other~~  
6 person as the court or these rules may direct, may send the  
7 notice to ~~or serve the paper on~~

8 (b) NOTICES FROM AND SERVICE BY THE  
9 COURT.

10 (1) *Registered Users.* The clerk may send  
11 notice to or serve a registered user by filing the notice  
12 or paper ~~it~~ with the court's electronic-filing system.

13 (2) *All Recipients.* For any recipient, the  
14 clerk may send notice or serve a paper ~~Or it may be sent~~  
15 to any person by ~~other~~ electronic means that the person  
16 recipient consented to in writing, including by  
17 designating an electronic address for receipt of notices.

18 But these exceptions apply:

19           (A) if the recipient has registered an  
20           electronic address with the Administrative Office  
21           of the United States Courts' bankruptcy-noticing  
22           program, the clerk shall send the notice to or serve  
23           the paper at that address; and

24           (B) if an entity has been designated by the  
25           Director of the Administrative Office of the  
26           United States Courts as a high-volume paper-  
27           notice recipient, the clerk may send the notice to  
28           or serve the paper electronically at an address  
29           designated by the Director, unless the entity has  
30           designated an address under § 342(e) or (f) of the  
31           Code.

32           (c) NOTICES FROM AND SERVICE BY AN  
33           ENTITY. An entity may send notice or serve a paper in the  
34           same manner that the clerk does under (b), excluding  
35           (b)(2)(A) and (B).

36            (d) COMPLETING NOTICE OR SERVICE. ~~In~~  
 37   ~~either of these events,~~ Electronic service or notice or service  
 38   is complete upon filing or sending but is not effective if the  
 39   filer or sender receives notice that it did not reach the person  
 40   to be served. It is the recipient’s responsibility to keep its  
 41   electronic address current with the clerk.

42            (e) INAPPLICABILITY. This rule does not apply  
 43   to any ~~pleading or other~~ paper required to be served in  
 44   accordance with Rule 7004.

**Committee Note**

The rule is amended to take account of the Administrative Office of the United States Courts’ program for providing notice to high-volume paper-notice recipients. Under this program, when the Bankruptcy Noticing Center (BNC) has sent by mail more than a designated number of notices in a calendar month (initially set at 100) from bankruptcy courts to an entity, the Director of the Administrative Office will notify the entity that it is a high-volume paper-notice recipient. As such, this “threshold notice” will inform the entity that it must register an electronic address with the BNC. If, within a time specified in the threshold notice, a notified entity enrolls in Electronic Bankruptcy Noticing with the BNC, it will be sent notices electronically at the address maintained by the BNC upon a start date determined by the Director. If a notified entity does not timely enroll in Electronic Bankruptcy Noticing, it will

be informed that court-generated notices will be sent to an electronic address designated by the Director. Any designation by the Director, however, is subject to the entity's right under § 342(e) and (f) of the Code to designate an address at which it wishes to receive notices in chapter 7 and chapter 13 cases, including at its own electronic address that it registers with the BNC.

The rule is also reorganized to separate methods of electronic noticing and service available to courts from those available to parties. Both courts and parties may serve or provide notice to registered users of the court's electronic-filing system by filing documents with that system. Both courts and parties also may serve and provide notice to any entity by electronic means consented to in writing by the recipient. Only courts may serve or give notice to an entity at an electronic address registered with the BNC as part of the Electronic Bankruptcy Noticing program.

The title of the rule is revised to more accurately reflect the rule's applicability to methods of electronic noticing and service. Rule 9036 does not preclude noticing and service by physical means otherwise authorized by the court or these rules.