and restating as subsecs. (a) to (e) provisions of former subsecs. (a) to (f).

Subsec. (b)(5). Pub. L. 104–91, as amended by Pub. L. 104–99, inserted ''until a reorganization plan is confirmed'' before semicolon.

Subsec. (f)(2). Pub. L. 104–91, as amended by Pub. L. 104–99, substituted ''until a reorganization plan is confirmed;'' for period at end.

Subsec. (f)(3). Pub. L. 104–91, as amended by Pub. L. 104–99, added par. (3).

1993—Subsec. (b)(1). Pub. L. 103–121, § 111(a)(2), substituted ''23.08 per centum'' for ''one-fourth''.

Subsec. (b)(2). Pub. L. 103–121, § 111(b)(2), substituted ''37.5 per centum'' for ''50 per centum''.

Subsec. (f)(1). Pub. L. 103–121, § 111(b)(3), substituted ''12.5 per centum'' for ''16.7 per centum''.

1991—Subsec. (b)(2). Pub. L. 102–140, § 111(b)(1), substituted ''50 per centum'' for ''three-fifths''.

Subsec. (b)(5). Pub. L. 102–140, § 111(b)(2), substituted ''60 per centum'' for ''all''.

Subsec. (f). Pub. L. 102–140, § 111(c), added subsec. (f).

1989—Subsec. (b)(1). Pub. L. 101–162 substituted ''one-fourth'' for ''one-third''.

EFFECTIVE DATE OF 2005 AMENDMENTS

Pub. L. 109–13, div. A, title VI, § 6058(b), May 11, 2005, 119 Stat. 297, provided that: ''This section [amending this section and section 1930 of this title, enacting provisions set out as a note under this section, and amending provisions set out as notes under this section and sections 1930 and 1931 of this title] and the amendment made by this section shall take effect immediately after the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 [Pub. L. 109–8, approved Apr. 20, 2005].''

Pub. L. 109–8, title III, § 325(d), Apr. 20, 2005, 119 Stat. 99, which provided that the amendment made by Pub. L. 109–8, § 325(b), (c), would be effective during the 2-year period beginning on Apr. 20, 2005, was omitted in the general amendment of section 325 of Pub. L. 109–8 by Pub. L. 109–13, div. A, title VI, § 6058(a), May 11, 2005, 119 Stat. 297. See note above.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–113, div. B, § 1000(a)(1) [title I, § 113], Nov. 29, 1999, 113 Stat. 1535, 1501A–20, provided that the amendment made by section 1000(a)(1) [title I, § 113] is effective 30 days after Nov. 29, 1999.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 101(a) [title I, § 109(c)] of Pub. L. 104–208 provided that: ''Notwithstanding any other provision of law or of this Act, the amendments to 28 U.S.C. 589a made by subsection (b) of this section shall take effect upon enactment of this Act [Sept. 30, 1996].''

EFFECTIVE DATE OF 1993 AMENDMENT

Section 111(a) of Pub. L. 103–121 provided in part that the amendment made by that section is effective 30 days after Oct. 27, 1993.

Section 111(b) of Pub. L. 103–121 provided in part that the amendment made by that section is effective 30 days after Oct. 27, 1993.

EFFECTIVE DATE OF 1991 AMENDMENT

Section 111 of Pub. L. 102–140 provided that the amendment made by that section is effective 60 days after Oct. 28, 1991.

EFFECTIVE DATE

Section effective 30 days after Oct. 27, 1986, see section 302(a) of Pub. L. 99–554, set out as a note under section 581 of this title.

§ 589b. Bankruptcy data

(a) RULES.—The Attorney General shall, within a reasonable time after the effective date of this section, issue rules requiring uniform forms for (and from time to time thereafter to appropriately modify and approve)—

(1) final reports by trustees in cases under chapters 7, 12, and 13 of title 11; and

(2) periodic reports by debtors in possession or trustees in cases under chapter 11 of title 11.

(b) REPORTS.—Each report referred to in subsection (a) shall be designed (and the requirements as to place and manner of filing shall be established) so as to facilitate compilation of data and maximum possible access of the public, both by physical inspection at one or more central filing locations, and by electronic access through the Internet or other appropriate media.

(c) REQUIRED INFORMATION.—The information required to be filed in the reports referred to in subsection (b) shall be that which is in the best interests of debtors and creditors, and in the public interest in reasonable and adequate information to evaluate the efficiency and practicality of the Federal bankruptcy system. In issuing rules proposing the forms referred to in subsection (a), the Attorney General shall strike the best achievable practical balance between—

(1) the reasonable needs of the public for information about the operational results of the Federal bankruptcy system;

(2) economy, simplicity, and lack of undue burden on persons with a duty to file reports; and

(3) appropriate privacy concerns and safeguards.

(d) FINAL REPORTS.—The uniform forms for final reports required under subsection (a) for use by trustees under chapters 7, 12, and 13 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General in the discretion of the Attorney General shall propose, include with respect to a case under such title—

(1) information about the length of time the case was pending;

(2) assets abandoned;

(3) assets exempted;

(4) receipts and disbursements of the estate;

(5) expenses of administration, including for use under section 707(b), actual costs of administering cases under chapter 13 of title 11;

(6) claims asserted;

(7) claims allowed; and

(8) distributions to claimants and claims discharged without payment,

in each case by appropriate category and, in cases under chapters 12 and 13 of title 11, date of confirmation of the plan, each modification thereto, and defaults by the debtor in performance under the plan.

(e) PERIODIC REPORTS.—The uniform forms for periodic reports required under subsection (a) for use by trustees or debtors in possession under chapter 11 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General in the discretion of the Attorney General shall propose, include—

(1) information about the industry classification, published by the Department of Commerce, for the businesses conducted by the debtor;

(2) length of time the case has been pending;

(3) number of full-time employees as of the date of the order for relief and at the end of each reporting period since the case was filed;

(4) cash receipts, cash disbursements and profitability of the debtor for the most recent period and cumulatively since the date of the order for relief;

(5) compliance with title 11, whether or not tax returns and tax payments since the date of the order for relief have been timely filed and made;

(6) all professional fees approved by the court in the case for the most recent period and cumulatively since the date of the order for relief (separately reported, for the professional fees incurred by or on behalf of the debtor, between those that would have been incurred absent a bankruptcy case and those not); and

(7) plans of reorganization filed and confirmed and, with respect thereto, by class, the recoveries of the holders, expressed in aggregate dollar values and, in the case of claims, as a percentage of total claims of the class allowed.

(Added Pub. L. 109–8, title VI, § 602(a), Apr. 20, 2005, 119 Stat. 120.)

REFERENCES IN TEXT

For the effective date of this section, referred to in subsec. (a), see Effective Date note set out below.

EFFECTIVE DATE

Section 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 an Effective Date of 2005 Amendment note under section 101 of Title 11.

CHAPTER 40—INDEPENDENT COUNSEL

Sec.
591. Applicability of provisions of this chapter.
592. Preliminary investigation and application for appointment of an independent counsel.
593. Duties of the division of the court.
594. Authority and duties of an independent counsel.
595. Congressional oversight.
596. Removal of an independent counsel; termination of office.
597. Relationship with Department of Justice.
598. Severability.
599. Termination of effect of chapter.

AMENDMENTS

1987—Pub. L. 100–191, § 2, Dec. 15, 1987, 101 Stat. 1293, amended chapter 40 heading and analysis generally, substituting items 591 to 599 for former items 591 to 598.

1986—Pub. L. 99–554, title I, § 144(g)(1), Oct. 27, 1986, 100 Stat. 3097, substituted ''40'' for ''39'' as chapter designation.

1983—Pub. L. 97–409, § 2(a)(1)(A), Jan. 3, 1983, 96 Stat. 2039, substituted ''independent counsel'' for ''special prosecutor'' in chapter heading and in items 592, 594, and 596.

§ 591. Applicability of provisions of this chapter

(a) PRELIMINARY INVESTIGATION WITH RESPECT TO CERTAIN COVERED PERSONS.—The Attorney General shall conduct a preliminary investigation in accordance with section 592 whenever the Attorney General receives information sufficient to constitute grounds to investigate whether any person described in subsection (b) may have violated any Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction.

(b) PERSONS TO WHOM SUBSECTION (a) APPLIES.—The persons referred to in subsection (a) are—

(1) the President and Vice President;

(2) any individual serving in a position listed in section 5312 of title 5;

(3) any individual working in the Executive Office of the President who is compensated at a rate of pay at or above level II of the Executive Schedule under section 5313 of title 5;

(4) any Assistant Attorney General and any individual working in the Department of Justice who is compensated at a rate of pay at or above level III of the Executive Schedule under section 5314 of title 5;

(5) the Director of Central Intelligence, the Deputy Director of Central Intelligence, and the Commissioner of Internal Revenue;

(6) the chairman and treasurer of the principal national campaign committee seeking the election or reelection of the President, and any officer of that committee exercising authority at the national level, during the incumbency of the President; and

(7) any individual who held an office or position described in paragraph (1), (2), (3), (4), or (5) for 1 year after leaving the office or position.

(c) PRELIMINARY INVESTIGATION WITH RESPECT TO OTHER PERSONS.—

(1) IN GENERAL.—When the Attorney General determines that an investigation or prosecution of a person by the Department of Justice may result in a personal, financial, or political conflict of interest, the Attorney General may conduct a preliminary investigation of such person in accordance with section 592 if the Attorney General receives information sufficient to constitute grounds to investigate whether that person may have violated Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction.

(2) MEMBERS OF CONGRESS.—When the Attorney General determines that it would be in the public interest, the Attorney General may conduct a preliminary investigation in accordance with section 592 if the Attorney General receives information sufficient to constitute grounds to investigate whether a Member of Congress may have violated any Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction.

(d) EXAMINATION OF INFORMATION TO DETERMINE NEED FOR PRELIMINARY INVESTIGATION.—

(1) FACTORS TO BE CONSIDERED.—In determining under subsection (a) or (c) (or section 592(c)(2)) whether grounds to investigate exist, the Attorney General shall consider only—

(A) the specificity of the information received; and

(B) the credibility of the source of the information.