

**NOTICE REGARDING THE UNITED STATES TRUSTEE PROGRAM’S
NEW CHAPTER 11 PERIODIC REPORTS (28 C.F.R. § 58.8)
(Effective June 21, 2021)**

On December 21, 2020, the U.S. Trustee Program (USTP) promulgated a final rule, “Procedures for Completing Uniform Periodic Reports in Non-Small Business Cases Filed Under Chapter 11 of Title 11” (hereinafter referred to as the “Final Rule”).¹ The Final Rule, which is authorized by 28 U.S.C. § 589b, requires that chapter 11 debtors in possession and trustees — other than small business debtors² — file monthly operating reports (MORs) and post-confirmation reports (PCRs) using streamlined, data-embedded, uniform forms in every case in every judicial district where the USTP operates.

The Final Rule will become effective for all reports filed on or after June 21, 2021. Before the effective date, the USTP encourages bankruptcy professionals to engage with their local USTP offices to learn more about the Final Rule and forms and to be ready to file data-embedded MORs and PCRs after June 21, 2021. Local USTP offices will make training available for bankruptcy professionals about completing, filing, and serving the new uniform MOR and PCR forms.

The uniform forms, and instructions for their use and filing, which may be periodically updated prior to the effective date, are available on the USTP’s website:
<https://www.justice.gov/ust/chapter-11-operating-reports>.

In addition to familiarizing themselves with the forms, practitioners should understand potential changes to applicable filing and service requirements. Unless otherwise provided by local rule, each report must be filed with the bankruptcy court no later than the 21st day of the month immediately following the covered reporting period.

Debtors in possession (DIP) should confer with local USTP representatives early in the case, whether at the initial debtor interview or some other initial meeting, to discuss the DIP’s reporting capabilities and the supplemental documentation that the DIP may be required to file in conjunction with the reports.

¹ 28 C.F.R. § 58.8.

² Small business and subchapter V debtors (including those covered by the temporarily expanded debt limits) file MORs on official forms promulgated by the Judicial Conference of the United States. *See* 11 U.S.C. §§ 308, 1187; Fed. R. Bankr. P. 2015 (a)(6); [Official Bankruptcy Form 425C](#). Contact the U.S. Trustee in the district in which the case is pending for further instructions regarding post-confirmation reporting requirements in small business and subchapter V cases.