

106TH CONGRESS
1ST SESSION

S. 1841

To provide private chapter 7 panel trustees and chapter 13 standing trustees with remedies for resolving disputes with the United States Trustee Program.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 1999

Mr. COCHRAN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide private chapter 7 panel trustees and chapter 13 standing trustees with remedies for resolving disputes with the United States Trustee Program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Trustee Dispute Reso-
5 lution Act of 1999”.

6 **SEC. 2. TRUSTEES.**

7 (a) SUSPENSION AND TERMINATION OF PANEL
8 TRUSTEES AND STANDING TRUSTEES.—Section 586(d) of
9 title 28, United States Code, is amended—

10 (1) by inserting “(1)” after “(d)”; and

1 (2) by adding at the end the following:

2 “(2)(A) A trustee whose appointment under sub-
3 section (a)(1) or under subsection (b) is terminated or who
4 ceases to be assigned to cases filed under title 11, may
5 obtain judicial review of the final agency decision by com-
6 mencing an action in the United States district court for
7 the district in which the trustee resides or is appointed
8 to serve after first exhausting all available administrative
9 remedies, which if the trustee so elects, shall also include
10 an administrative hearing on the record.

11 “(B) Unless the trustee elects to have an administra-
12 tive hearing on the record, the trustee shall be deemed
13 to have exhausted all administrative remedies for purposes
14 of this paragraph if the agency fails to make a final agency
15 decision within 90 days after the trustee requests adminis-
16 trative remedies.

17 “(C) The Attorney General shall prescribe procedures
18 to implement this paragraph. The decision of the agency
19 shall be affirmed by the district court unless it is unrea-
20 sonable and without cause based on the administrative
21 record before the agency.”.

22 (b) EXPENSES OF STANDING TRUSTEES.—Section
23 586(e) of title 28, United States Code, is amended by add-
24 ing at the end the following:

1 “(3) After first exhausting all available administra-
2 tive remedies, an individual appointed under subsection
3 (b) may obtain judicial review of final agency action to
4 deny a claim of actual, necessary expenses under this sub-
5 section by commencing an action in the United States dis-
6 trict court in the district where the individual resides or
7 is appointed to serve. The decision of the agency shall be
8 affirmed by the district court unless it is unreasonable and
9 without cause based upon the administrative record before
10 the agency.

11 “(4) The Attorney General shall prescribe procedures
12 to implement this subsection.”.

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