

112TH CONGRESS
2D SESSION

H. R. 6349

To amend title 11 of the United States Code to increase the maximum amount that may be paid to trustees for services rendered; to repeal provisions relating the trustee administration of certain employee pension plans; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2012

Mr. ROSS of Florida (for himself, Mr. COBLE, and Mr. JOHNSON of Georgia) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 11 of the United States Code to increase the maximum amount that may be paid to trustees for services rendered; to repeal provisions relating the trustee administration of certain employee pension plans; and for other purposes.

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 “Bankruptcy Adminis-
5 tration Improvement Act of 2012”.

1 **SEC. 2. COMPENSATION OF TRUSTEES IN CASES UNDER**
2 **CHAPTER 7.**

3 Title 11 of the United States Code is amended—

4 (1) in section 104—

5 (A) in subsection (a)—

6 (i) by inserting “330(b)(2),” after
7 “303(b),”,

8 (ii) in paragraph (1) by striking
9 “and” at the end,

10 (iii) in paragraph (2)—

11 (I) by inserting “except as pro-
12 vided in paragraph (3),” after “(2)”,
13 and

14 (II) by striking the period at the
15 end and inserting “; and”, and

16 (iv) by adding at the end the fol-
17 lowing:

18 “(3) with respect to the amount specified in
19 section 330(b)(2), to round to the nearest \$5 the
20 dollar amount that represents such change.”, and

21 (B) in subsection (b) by inserting
22 “330(b)(2),” after “303(b),”, and
23 (2) in section 330—

24 (A) by amending subsection (a)(7) to read
25 as follows:

1 “(7) In determining the amount of reasonable com-
 2 pensation to be awarded to a trustee under chapter 7, the
 3 court shall treat such compensation as a commission,
 4 based on section 326(a).”, and

5 (B) in subsection (b)(2) by striking “\$15”
 6 and inserting “\$75”.

7 **SEC. 3. LIMITATION ON WAIVER OF FILING FEES IN CASES**
 8 **UNDER CHAPTER 7.**

9 The last sentence of section 1930(f)(1) of title 28,
 10 United States Code, is amended by inserting “(excluding
 11 any part of such fee that is required under section 330(b)
 12 of title 11 to be paid to a trustee and that such individual
 13 is able to pay in installments)” after “subsection (a)”.

14 **SEC. 4. REPEAL OF PROVISIONS RELATING TO THE ADMIN-**
 15 **ISTRATION OF CERTAIN EMPLOYEE BENEFIT**
 16 **PLANS.**

17 (a) IN GENERAL.—Section 521(a) of title 11, United
 18 States Code, is amended—

19 (1) in paragraph (5) by adding “and” at the
 20 end,

21 (2) in paragraph (6) by striking “; and” and in-
 22 serting a period, and

23 (3) by striking paragraph (7).

24 (b) DUTIES OF TRUSTEES.—Section 704(a) of title
 25 11, United States Code, is amended—

1 (1) in paragraph (10) by adding “and” at the
2 end,

3 (2) by striking paragraph (11), and

4 (3) by redesignating paragraph (12) as para-
5 graph (11).

6 (c) CONFORMING AMENDMENT.—Section 1106(a)(1)
7 of title 11, United States Code, is amended by striking
8 “(11),”.

9 **SEC. 5. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

10 (a) EFFECTIVE DATE.—Except as provided in sub-
11 section (b), this Act and the amendments made by this
12 Act shall take effect on the 1st day of the 1st month that
13 begins more than 180 days after the date of the enactment
14 of this Act.

15 (b) APPLICATION OF AMENDMENTS.—The amend-
16 ments made by this Act shall apply only with respect to
17 cases commenced under title 11 of the United States Code
18 on or after the effective date of this Act.

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