

§ 2168. Selection of presiding judge

(a) For cases in which the debtor is a territory, the Chief Justice of the United States shall designate a district court judge to sit by designation to conduct the case.

(b) For cases in which the debtor is not a territory, and no motion for joint administration of the debtor's case with the case of its affiliate territory has been filed or there is no case in which the affiliate territory is a debtor, the chief judge of the court of appeals for the circuit embracing the district in which the case is commenced shall designate a district court judge to conduct the case.

(Pub. L. 114-187, title III, §308, June 30, 2016, 130 Stat. 582.)

§ 2169. Abstention

Nothing in this subchapter prevents a district court in the interests of justice from abstaining from hearing a particular proceeding arising in or related to a case under this subchapter.

(Pub. L. 114-187, title III, §309, June 30, 2016, 130 Stat. 583.)

§ 2170. Applicable rules of procedure

The Federal Rules of Bankruptcy Procedure shall apply to a case under this subchapter and to all civil proceedings arising in or related to cases under this subchapter.

(Pub. L. 114-187, title III, §310, June 30, 2016, 130 Stat. 583.)

Editorial Notes**REFERENCES IN TEXT**

The Federal Rules of Bankruptcy Procedure, referred to in text, are set out in the Appendix to Title 11, Bankruptcy.

§ 2171. Leases

A lease to a territory or territorial instrumentality shall not be treated as an executory contract or unexpired lease for the purposes of section 365 or 502(b)(6) of title 11 solely by reason of the lease being subject to termination in the event the debtor fails to appropriate rent.

(Pub. L. 114-187, title III, §311, June 30, 2016, 130 Stat. 583.)

§ 2172. Filing of plan of adjustment**(a) Exclusivity**

Only the Oversight Board, after the issuance of a certificate pursuant to section 2124(j) of this title, may file a plan of adjustment of the debts of the debtor.

(b) Deadline for filing plan

If the Oversight Board does not file a plan of adjustment with the petition, the Oversight Board shall file a plan of adjustment at the time set by the court.

(Pub. L. 114-187, title III, §312, June 30, 2016, 130 Stat. 583.)

§ 2173. Modification of plan

The Oversight Board, after the issuance of a certification pursuant to section 2124(j) of this

title, may modify the plan at any time before confirmation, but may not modify the plan so that the plan as modified fails to meet the requirements of this subchapter. After the Oversight Board files a modification, the plan as modified becomes the plan.

(Pub. L. 114-187, title III, §313, June 30, 2016, 130 Stat. 583.)

§ 2174. Confirmation**(a) Objection**

A special tax payer may object to confirmation of a plan.

(b) Confirmation

The court shall confirm the plan if—

(1) the plan complies with the provisions of title 11, made applicable to a case under this subchapter by section 2161 of this title;

(2) the plan complies with the provisions of this subchapter;

(3) the debtor is not prohibited by law from taking any action necessary to carry out the plan;

(4) except to the extent that the holder of a particular claim has agreed to a different treatment of such claim, the plan provides that on the effective date of the plan each holder of a claim of a kind specified in 507(a)(2)¹ of title 11 will receive on account of such claim cash equal to the allowed amount of such claim;

(5) any legislative, regulatory, or electoral approval necessary under applicable law in order to carry out any provision of the plan has been obtained, or such provision is expressly conditioned on such approval;

(6) the plan is feasible and in the best interests of creditors, which shall require the court to consider whether available remedies under the non-bankruptcy laws and constitution of the territory would result in a greater recovery for the creditors than is provided by such plan; and

(7) the plan is consistent with the applicable Fiscal Plan certified by the Oversight Board under subchapter II.

(c) Confirmation for debtors with a single class of claims

If all of the requirements of section 2174(b) of this title and section 1129(a) of title 11, incorporated into this subchapter by section 2161 of this title other than sections 1129(a)(8) and 1129(a)(10) are met with respect to a plan—

(1) with respect to which all claims are substantially similar under section 2161(e) of this title;

(2) that includes only one class of claims, which claims are impaired claims; and

(3) that was not accepted by such impaired class,

the court shall confirm the plan notwithstanding the requirements of such sections 1129(a)(8) and 1129(a)(10) of title 11 if the plan is fair and equitable and does not discriminate unfairly with respect to such impaired class.

(Pub. L. 114-187, title III, §314, June 30, 2016, 130 Stat. 583.)

¹ So in original. Probably should be preceded by "section".

§ 2175. Role and capacity of Oversight Board

(a) Actions of Oversight Board

For the purposes of this subchapter, the Oversight Board may take any action necessary on behalf of the debtor to prosecute the case of the debtor, including—

- (1) filing a petition under section 2164 of this title;
- (2) submitting or modifying a plan of adjustment under sections 2172 and 2173 of this title; or
- (3) otherwise generally submitting filings in relation to the case with the court.

(b) Representative of debtor

The Oversight Board in a case under this subchapter is the representative of the debtor.

(Pub. L. 114-187, title III, §315, June 30, 2016, 130 Stat. 584.)

§ 2176. Compensation of professionals

(a) Compensation for services rendered and reimbursement for expenses

After notice to the parties in interest and the United States Trustee and a hearing, the court may award to a professional person employed by the debtor (in the debtor's sole discretion), the Oversight Board (in the Oversight Board's sole discretion), a committee under section 1103 of title 11, or a trustee appointed by the court under section 926 of title 11—

- (1) reasonable compensation for actual, necessary services rendered by the professional person, or attorney and by any paraprofessional person employed by any such person; and
- (2) reimbursement for actual, necessary expenses.

(b) Award of compensation less than amount requested

The court may, on its own motion or on the motion of the United States Trustee or any other party in interest, award compensation that is less than the amount of compensation that is requested.

(c) Factors considered

In determining the amount of reasonable compensation to be awarded to a professional person, the court shall consider the nature, the extent, and the value of such services, taking into account all relevant factors, including—

- (1) the time spent on such services;
- (2) the rates charged for such services;
- (3) whether the services were necessary to the administration of, or beneficial at the time at which the service was rendered toward the completion of, a case under this chapter;¹
- (4) whether the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed;
- (5) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the restructuring field; and

(6) whether the compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under this subchapter or title 11.

(d) Services ineligible for compensation

The court shall not allow compensation for—

- (1) unnecessary duplication of services; or
- (2) services that were not—
 - (A) reasonably likely to benefit the debtor; or
 - (B) necessary to the administration of the case.

(e) Offset for interim compensation under section 2177 of this title

The court shall reduce the amount of compensation awarded under this section by the amount of any interim compensation awarded under section 2177 of this title, and, if the amount of such interim compensation exceeds the amount of compensation awarded under this section, may order the return of the excess to the debtor.

(f) Compensation for preparation of fee application

Any compensation awarded for the preparation of a fee application shall be based on the level and skill reasonably required to prepare the application.

(Pub. L. 114-187, title III, §316, June 30, 2016, 130 Stat. 584.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (c)(3), was so in the original, but probably should have been a reference to “this title”, meaning title III of Pub. L. 114-187, June 30, 2016, 130 Stat. 577, which is classified generally to this subchapter. Pub. L. 114-187 does not contain chapters.

§ 2177. Interim compensation

A debtor's attorney, or any professional person employed by the debtor (in the debtor's sole discretion), the Oversight Board (in the Oversight Board's sole discretion), a committee under section 1103 of title 11, or a trustee appointed by the court under section 926 of title 11, may apply to the court not more than once every 120 days after an order for relief in a case under this subchapter, or more often if the court permits, for such compensation for services rendered before the date of such an application or reimbursement for expenses incurred before such date as is provided under section 2176 of this title.

(Pub. L. 114-187, title III, §317, June 30, 2016, 130 Stat. 585.)

§ 2178. Disclosure by professional persons seeking approval of compensation under section 2176 or 2177 of this title

(a) Definitions

In this section:

(1) List of Material Interested Parties

The term “List of Material Interested Parties” means the List of Material Interested Parties established under subsection (c)(1).

¹ See References in Text note below.