

Public Law 116-325
BANKRUPTCY ADMINISTRATION IMPROVEMENT ACT OF 2020
Effective January 12, 2021

11 U.S.C. § 330. Compensation of officers

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is amended by adding at the end the following:

(e) (1) There is established a fund in the Treasury of the United States, to be known as the ‘Chapter 7 Trustee Fund’, which shall be administered by the Director of the Administrative Office of the United States Courts.

(2) Deposits into the Chapter 7 Trustee Fund under section 589a(f)(1)(C) of title 28 shall be available until expended for the purposes described in paragraph (3).

(3) For fiscal years 2021 through 2026, the Chapter 7 Trustee Fund shall be available to pay the trustee serving in a case that is filed under chapter 7 or a case that is converted to a chapter 7 case in the most recent fiscal year (referred to in this subsection as a ‘chapter 7 case’) the amount described in paragraph (4) for the chapter 7 case in which the trustee has rendered services in that fiscal year.

(4) The amount described in this paragraph shall be the lesser of—

(A) \$60; or

(B) a pro rata share, for each chapter 7 case, of the fees collected under section 1930(a)(6) of title 28 and deposited to the United States Trustee System Fund under section 589a(f)(1) of title 28, less the amounts specified in section 589a(f)(1)(A) and (B) of title 28.

(5) The payment received by a trustee under paragraph (3) shall be paid in addition to the amount paid under subsection (b).

(6) Not later than September 30, 2021, the Director of the Administrative Office of the United States Courts shall promulgate regulations for the administration of this subsection.’

RULE REFERENCE: 2002, 2016, 5004

28 U.S.C. § 1930. Bankruptcy fees

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(6) (B) During each of fiscal years 2018 through 2022, if the balance in the United States Trustee System Fund as of September 30 of the most recent full fiscal year is less than \$300,000,000(**), the quarterly fee payable for a quarter in which disbursements equal or exceed \$1,000,000 shall be the lesser of 1 percent of such disbursements or \$250,000.(***)

(B) (i) During the 5-year period beginning on January 1, 2021, in addition to the filing fee paid to the clerk, a quarterly fee shall be paid to the United States trustee, for deposit in the Treasury, in each open and reopened case under chapter 11 of title 11, other than under sub-chapter V, for each quarter (including any fraction thereof) until the case is closed, converted, or dismissed, whichever occurs first.

(ii) The fee shall be the greater of—

(I) 0.4 percent of disbursements or \$250 for each quarter in which disbursements total less than \$1,000,000; and

(II) 0.8 percent of disbursements but not more than \$250,000 for each quarter in which disbursements total at least \$1,000,000.

(iii) The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed.

(7) In districts that are not part of a United States trustee region as defined in section 581 of this title, the Judicial Conference of the United States ~~may~~ shall require the debtor in a case under chapter 11 of title 11 to pay fees equal to those imposed by paragraph (6) of this subsection. Such fees shall be

deposited as offsetting receipts to the fund established under section 1931 of this title and shall remain available until expended.

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~~(***) This provision applies to disbursements made in any calendar quarter that begins on or after October 26, 2017. P. Law 115-72, Sec. 1004.~~

APPLICABILITY.—

(Publisher's Note: President Trump signed the Act into law on January 12, 2021)

(1) In General.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) Exceptions.—

(A) Compensation of Officers.—The amendments made by subsection (c) shall apply to any case filed on or after the date of enactment of this Act—

(i) under chapter 7 of title 11, United States Code; or

(ii) (I) under chapter 11, 12, or 13 of that title; and

(II) converted to a chapter 7 case under that title.

(B) Bankruptcy Fees.—The amendments made by subsection (d) shall apply to—

(i) any case pending under chapter 11 of title 11, United States Code, on or after the date of enactment of this Act; and

(ii) quarterly fees payable under section 1930(a)(6) of title 28, United States Code, as amended by sub- section (d), for disbursements made in any calendar quarter that begins on or after the date of enactment of this Act.