

105TH CONGRESS
1ST SESSION

H. R. 2592

To amend title 11 of the United States Code to provide private trustees the right to seek judicial review of United States trustee actions related to trustee expenses and trustee removal.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 1997

Mr. GOODLATTE (for himself, Mr. SMITH of Texas, and Mr. BARR 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 provide private trustees the right to seek judicial review of United States trustee actions related to trustee expenses and trustee removal.

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 “Private Trustee Re-
5 form Act of 1997”.

1 **SEC. 2. PRIVATE TRUSTEES.**

2 (a) COMPENSATION OF OFFICERS.—Section 330 of
3 title 11, United States Code, is amended by adding at the
4 end the following:

5 “(e) Upon the motion of a trustee appointed under
6 section 586(b) of title 28, and after an opportunity for
7 an administrative hearing on the record, the court shall
8 have the authority, notwithstanding section 326(b) of this
9 title, to determine the actual, necessary expenses of such
10 trustee. In determining actual, necessary expenses, the
11 court shall consider all relevant factors, including—

12 “(1) whether the expense will benefit the ad-
13 ministration of cases by the trustee; and

14 “(2) whether the expense is reasonable, based
15 upon the customary and usual expenses incurred by
16 fiduciaries providing services of comparable nature
17 in matters other than cases under this title.”.

18 (b) REMOVAL OF TRUSTEE OR EXAMINER.—Section
19 324 of title 11, United States Code, is amended by adding
20 at the end the following:

21 “(c)(1) Notwithstanding any provision of section 586
22 of title 28, in the event the United States trustee decides
23 to cease assigning cases to a trustee appointed under sec-
24 tion 586(a) or (b) of title 28, the trustee, after an oppor-
25 tunity for an administrative hearing on the record, may
26 seek judicial review of such decision. Upon review, the

1 court may reverse the decision only if the United States
2 trustee has acted unreasonably or without cause. The fail-
3 ure of the United States trustee to make a final adminis-
4 trative disposition of a trustee's request to reconsider the
5 decision to cease assigning cases within thirty days of such
6 request shall be deemed an exhaustion of all administra-
7 tive remedies for purposes of this subsection.

8 “(2) Notwithstanding any other provision of law, and
9 pending the exhaustion of available administrative rem-
10 edies or a judicial determination on the merits, the court
11 may order injunctive relief in favor of the trustee.”.

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