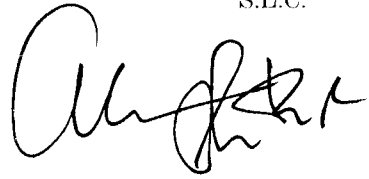


PENDING



AMENDMENT NO.

Calendar No.

Purpose: To increase bankruptcy filing fees to pay for the additional duties of United States trustees and the new bankruptcy judges added by this Act.

IN THE SENATE OF THE UNITED STATES—109th Cong., 1st Sess.

AMENDMENT No. 0048

To By *Specter* ther

To: *S. 256*

Ref *3* and

Page(s)

GPO: 2004 97-290(Mac)

AMENDMENT intended to be proposed by Mr. SPECTER

Viz:

1 On page 194, strike line 13 and all that follows
2 through page 195, line 22, and insert the following:

3 **SEC. 325. UNITED STATES TRUSTEE PROGRAM FILING FEE**
4 **INCREASE.**

5 (e) ACTIONS UNDER CHAPTER 7, 11, OR 13 OF
6 TITLE 11, UNITED STATES CODE.—Section 1930(a) of
7 title 28, United States Code, is amended—

8 (1) by striking paragraph (1) and inserting the
9 following:

10 “(1) For a case commenced under—

1 “(A) chapter 7 of title 11, \$200; and

2 “(B) chapter 13 of title 11, \$150.”; and

3 (2) in paragraph (3), by striking “\$800” and
4 inserting “\$1000”.

5 (b) UNITED STATES TRUSTEE SYSTEM FUND.—Sec-
6 tion 589a(b) of title 28, United States Code, is amended—

7 (1) by striking paragraph (1) and inserting the
8 following:

9 “(1)(A) 40.63 percent of the fees collected
10 under section 1930(a)(1)(A) of this title; and

11 “(B) 70.00 percent of the fees collected under
12 section 1930(a)(1)(B);”;

13 (2) in paragraph (2), by striking “one-half”
14 and inserting “75 percent”; and

15 (3) in paragraph (4), by striking “one-half”
16 and inserting “100 percent”.

17 (c) COLLECTION AND DEPOSIT OF MISCELLANEOUS
18 BANKRUPTCY FEES.—Section 406(b) of the Judiciary Ap-
19 propriations Act, 1990 (28 U.S.C. 1931 note) is amended
20 by striking “pursuant to 28 U.S.C. section 1930(b)” and
21 all that follows through “28 U.S.C. section 1931” and in-
22 serting “under section 1930(b) of title 28, United States
23 Code, 31.25 of the fees collected under section
24 1930(a)(1)(A) of that title, 30.00 percent of the fees col-
25 lected under section 1930(a)(1)(B) of that title, and 25

1 percent of the fees collected under section 1930(a)(3) of
2 that title shall be deposited as offsetting receipts to the
3 fund established under section 1931 of that title”.

4 (d) SUNSET DATE.—The amendments made by sub-
5 sections (b) and (c) shall be effective during the 2-year
6 period beginning on the date of enactment of this Act.

7 (e) USE OF INCREASED RECEIPTS.—

8 (1) JUDGES’ SALARIES AND BENEFITS.—The
9 amount of fees collected under paragraphs (1) and
10 (3) of section 1930(a) of title 28, United States
11 Code, during the 5-year period beginning on the
12 date of enactment of this Act, that is greater than
13 the amount that would have been collected if the
14 amendments made by subsection (a) had not taken
15 effect shall be used, to the extent necessary, to pay
16 the salaries and benefits of the judges appointed
17 pursuant to section 1223 of this Act.

18 (2) REMAINDER.—Any amount described in
19 paragraph (1), which is not used for the purpose de-
20 scribed in paragraph (1), shall be deposited into the
21 Treasury of the United States to the extent nec-
22 essary to offset the decrease in governmental re-
23 cepts resulting from the amendments made by sub-
24 sections (b) and (c).