

**Amendment to H.R. 833, As Reported  
Offered by Mr. Whitfield of Kentucky**

Page 176, after line 24, insert the following:

1 **SEC. 614. COMPENSATING TRUSTEES.**

2 Title 11, United States Code, is amended—

3 (1) in section 104(b)(1) in the material preced-  
4 ing subparagraph (A)—

5 (A) by striking “and”; and

6 (B) by inserting “, 1326(b)(3)” before  
7 “immediately”;

8 (2) in section 326, by inserting at the end the  
9 following:

10 “(e) Notwithstanding any other provision of this sec-  
11 tion, the court shall allow reasonable compensation under  
12 section 330(a) of this title for the services and expenses  
13 of the trustee in taking the actions described in para-  
14 graphs (1) and (2) if—

15 “(1) a trustee in a chapter 7 case commences  
16 a motion to dismiss or convert under section 707(b)  
17 and such motion is granted; or

18 “(2) the trustee demonstrates by a preponder-  
19 ance of the evidence that the case was converted or  
20 dismissed because of the trustee’s actions.”; and

1 (3) in section 1326(b)—

2 (A) in paragraph (1), by striking “and”;

3 (B) in paragraph (2), by striking the pe-  
4 riod at the end thereof and inserting “; and”;  
5 and

6 (C) by adding at the end the following:

7 “(3)(A) the amount of the compensation de-  
8 scribed in subclauses (I) and (II) which is unpaid at  
9 the time of each such payment, prorated over the re-  
10 maining duration of the plan—

11 “(i) and which has been allowed in a  
12 case—

13 “(I) converted to this chapter; or

14 “(II) dismissed from chapter 7 in  
15 which the debtor in this case was a debtor,  
16 whether dismissed voluntarily by the debt-  
17 or or on motion of the trustee under sec-  
18 tion 707(b);

19 “(ii) but only to the extent such compensa-  
20 tion has been allowed to a chapter 7 trustee  
21 under section 326(e);

22 “(B) the compensation payable to the chapter 7  
23 trustee in the case under this chapter shall not ex-  
24 ceed the greater of the trustee fee allowed pursuant  
25 to section 330 of this title plus—

1                   “(i) \$25 per month; or

2                   “(ii) the amount payable to unsecured non-  
3                   priority creditors as provided by the plan multi-  
4                   plied by 5 percent, and the result divided by the  
5                   number of months in the plan; and

6                   “(C) notwithstanding any other provision of  
7                   this title, any such compensation awarded to a chap-  
8                   ter 7 trustee in a converted or dismissed case shall  
9                   be payable and may be collected in a case under this  
10                  chapter—

11                  “(i) even if such amount has been dis-  
12                  charged in a prior proceeding under this title;  
13                  and

14                  “(ii) only to the extent permitted by this  
15                  section.”.