

formation available through automatic data processing equipment and fees to be deposited in Judiciary Automation Fund, see section 303 of Pub. L. 102-140, set out as a note under section 1913 of this title.

#### § 1927. Counsel's liability for excessive costs

Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct.

(June 25, 1948, ch. 646, 62 Stat. 957; Pub. L. 96-349, § 3, Sept. 12, 1980, 94 Stat. 1156.)

##### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 829 (R.S. § 982).

Word "personally" was inserted upon authority of *Motion Picture Patents Co. v. Steiner et al.*, 1912, 201 F. 63, 119 C.C.A. 401. Reference to "proctor" was omitted as covered by the revised section.

See definition of "court of the United States" in section 451 of this title.

Changes were made in phraseology.

##### AMENDMENTS

1980—Pub. L. 96-349 substituted judicial authorization to require attorneys to satisfy excess costs, expenses, and attorneys' fees reasonably incurred because of multiplication of proceedings for such prior authority to impose liability for increased costs based on multiplication of proceedings.

#### § 1928. Patent infringement action; disclaimer not filed

Whenever a judgment is rendered for the plaintiff in any patent infringement action involving a part of a patent and it appears that the patentee, in his specifications, claimed to be, but was not, the original and first inventor or discoverer of any material or substantial part of the thing patented, no costs shall be included in such judgment, unless the proper disclaimer has been filed in the United States Patent and Trademark Office prior to the commencement of the action.

(June 25, 1948, ch. 646, 62 Stat. 957; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(17)], Nov. 29, 1999, 113 Stat. 1536, 1501A-585.)

##### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 821 (R.S. § 973).

Word "action" was substituted for "any suit at law or in equity" to conform with Rule 2 of the Federal Rules of Civil Procedure.

Words "or decree" were omitted after "judgment," because a judgment under Rule 54(a) of the Federal Rules of Civil Procedure by definition includes a decree.

Changes were made in phraseology.

##### AMENDMENTS

1999—Pub. L. 106-113 substituted "United States Patent and Trademark Office" for "Patent Office".

##### EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-113 effective 4 months after Nov. 29, 1999, see section 1000(a)(9) [title IV, § 4731] of Pub. L. 106-113, set out as a note under section 1 of Title 35, Patents.

#### § 1929. Extraordinary expenses not expressly authorized

Where the ministerial officers of the United States incur extraordinary expense in executing Acts of Congress, the payment of which is not specifically provided for, the Attorney General may allow the payment thereof.

(June 25, 1948, ch. 646, 62 Stat. 957.)

##### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 577 (R.S. § 846; Feb. 18, 1875, ch. 80, § 1, Stat. 318; May 28, 1896, ch. 252, § 13, 29 Stat. 183; May 27, 1908, ch. 200, § 1, 35 Stat. 375; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; Feb. 26, 1919, ch. 49, § 7, 40 Stat. 1182; Oct. 13, 1941, ch. 431, § 1, 55 Stat. 736).

Provision for payment of expenses under section 577 of title 28, U.S.C., 1940 ed., from appropriations for expenses of the judiciary was omitted as unnecessary. Such expenses are carried in the Judiciary Appropriation Acts and will continue without this provision.

The first sentence of said section 577 is incorporated in section 551 of this title.

The qualifying phrase "under the special taxation of the district court in which the said services have been or shall be rendered, to be paid from the appropriation for defraying the expenses of the Judiciary," was omitted, and the functions of allowing extraordinary expenses was vested in the Attorney General instead of the President. Neither the President nor the district judge should be burdened with such duty since the Attorney General only has the information upon which to act.

Changes were made in phraseology.

#### § 1930. Bankruptcy fees

(a) The parties commencing a case under title 11 shall pay to the clerk of the district court or the clerk of the bankruptcy court, if one has been certified pursuant to section 156(b) of this title, the following filing fees:

(1) For a case commenced under—

(A) chapter 7 of title 11, \$245, and

(B) chapter 13 of title 11, \$235.

(2) For a case commenced under chapter 9 of title 11, equal to the fee specified in paragraph (3) for filing a case under chapter 11 of title 11. The amount by which the fee payable under this paragraph exceeds \$300 shall be deposited in the fund established under section 1931 of this title.

(3) For a case commenced under chapter 11 of title 11 that does not concern a railroad, as defined in section 101 of title 11, \$1,167.

(4) For a case commenced under chapter 11 of title 11 concerning a railroad, as so defined, \$1,000.

(5) For a case commenced under chapter 12 of title 11, \$200.

(6)(A) Except as provided in subparagraph (B), 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 case under chapter 11 of title 11 for each quarter (including any fraction thereof) until the case is converted or dismissed, whichever occurs first. The fee shall be \$325 for each quarter in which disbursements total less than \$15,000; \$650 for each quarter in which disbursements total \$15,000 or more but less than \$75,000; \$975 for each quarter in which disbursements total \$75,000 or more but less than \$150,000; \$1,625 for each quarter in which dis-

bursements total \$150,000 or more but less than \$225,000; \$1,950 for each quarter in which disbursements total \$225,000 or more but less than \$300,000; \$4,875 for each quarter in which disbursements total \$300,000 or more but less than \$1,000,000; \$6,500 for each quarter in which disbursements total \$1,000,000 or more but less than \$2,000,000; \$9,750 for each quarter in which disbursements total \$2,000,000 or more but less than \$3,000,000; \$10,400 for each quarter in which disbursements total \$3,000,000 or more but less than \$5,000,000; \$13,000 for each quarter in which disbursements total \$5,000,000 or more but less than \$15,000,000; \$20,000 for each quarter in which disbursements total \$15,000,000 or more but less than \$30,000,000; \$30,000 for each quarter in which disbursements total more than \$30,000,000. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed.

(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 \$200,000,000, 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.

(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 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.

An individual commencing a voluntary case or a joint case under title 11 may pay such fee in installments. For converting, on request of the debtor, a case under chapter 7, or 13 of title 11, to a case under chapter 11 of title 11, the debtor shall pay to the clerk of the district court or the clerk of the bankruptcy court, if one has been certified pursuant to section 156(b) of this title, a fee of the amount equal to the difference between the fee specified in paragraph (3) and the fee specified in paragraph (1).

(b) The Judicial Conference of the United States may prescribe additional fees in cases under title 11 of the same kind as the Judicial Conference prescribes under section 1914(b) of this title.

(c) Upon the filing of any separate or joint notice of appeal or application for appeal or upon the receipt of any order allowing, or notice of the allowance of, an appeal or a writ of certiorari \$5 shall be paid to the clerk of the court, by the appellant or petitioner.

(d) Whenever any case or proceeding is dismissed in any bankruptcy court for want of jurisdiction, such court may order the payment of just costs.

(e) The clerk of the court may collect only the fees prescribed under this section.

(f)(1) Under the procedures prescribed by the Judicial Conference of the United States, the district court or the bankruptcy court may waive the filing fee in a case under chapter 7 of title 11 for an individual if the court determines

that such individual has income less than 150 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved and is unable to pay that fee in installments. For purposes of this paragraph, the term “filing fee” means the filing fee required by subsection (a), or any other fee prescribed by the Judicial Conference under subsections (b) and (c) that is payable to the clerk upon the commencement of a case under chapter 7.

(2) The district court or the bankruptcy court may waive for such debtors other fees prescribed under subsections (b) and (c).

(3) This subsection does not restrict the district court or the bankruptcy court from waiving, in accordance with Judicial Conference policy, fees prescribed under this section for other debtors and creditors.

(Added Pub. L. 95-598, title II, §246(a), Nov. 6, 1978, 92 Stat. 2671; amended Pub. L. 98-353, title I, §111(a), (b), July 10, 1984, 98 Stat. 342; Pub. L. 99-500, §101(b) [title IV, §407(b)], Oct. 18, 1986, 100 Stat. 1783-39, 1783-64, and Pub. L. 99-591, §101(b) [title IV, §407(b)], Oct. 30, 1986, 100 Stat. 3341-39, 3341-64; Pub. L. 99-554, title I, §§117, 144(f), Oct. 27, 1986, 100 Stat. 3095, 3097; Pub. L. 101-162, title IV, §406(a), Nov. 21, 1989, 103 Stat. 1016; Pub. L. 102-140, title I, §111(a), Oct. 28, 1991, 105 Stat. 795; Pub. L. 103-121, title I, §111(a)(1), (b)(1), Oct. 27, 1993, 107 Stat. 1164; Pub. L. 104-91, title I, §101(a), Jan. 6, 1996, 110 Stat. 11, amended Pub. L. 104-99, title II, §211, Jan. 26, 1996, 110 Stat. 37; Pub. L. 104-208, div. A, title I, §101(a) [title I, §109(a)], Sept. 30, 1996, 110 Stat. 3009, 3009-18; Pub. L. 106-113, div. B, §1000(a)(1) [title I, §113], Nov. 29, 1999, 113 Stat. 1535, 1501A-20; Pub. L. 106-518, title I, §§103-105, Nov. 13, 2000, 114 Stat. 2411, 2412; Pub. L. 109-8, title III, §325(a), title IV, §418, Apr. 20, 2005, 119 Stat. 98, 108; Pub. L. 109-13, div. A, title VI, §6058(a), May 11, 2005, 119 Stat. 297; Pub. L. 109-171, title X, §10101(a), Feb. 8, 2006, 120 Stat. 184; Pub. L. 110-161, div. B, title II, §213(a), Dec. 26, 2007, 121 Stat. 1914; Pub. L. 112-121, §3(a), May 25, 2012, 126 Stat. 348; Pub. L. 115-72, div. B, §1004(a), Oct. 26, 2017, 131 Stat. 1232.)

#### REFERENCES IN TEXT

Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, referred to in subsec. (f)(1), is section 673(2) of Pub. L. 97-35, which is classified to section 9902(2) of Title 42, The Public Health and Welfare.

#### CODIFICATION

Amendment by Pub. L. 104-91 is based on section 111(a) of H.R. 2076, One Hundred Fourth Congress, as passed by House of Representatives on Dec. 6, 1995, which was enacted into law by Pub. L. 104-91.

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

#### AMENDMENTS

2017—Subsec. (a)(6). Pub. L. 115-72 designated existing provisions as subpar. (A), substituted “Except as provided in subparagraph (B), in addition” for “In addition”, and added subpar. (B).

2012—Subsec. (a)(3). Pub. L. 112-121 substituted “\$1,167” for “\$1,000”.

2007—Subsec. (a)(6). Pub. L. 110-161 substituted last two sentences for former last two sentences which read as follows: “The fee shall be \$250 for each quarter in which disbursements total less than \$15,000; \$500 for

each quarter in which disbursements total \$15,000 or more but less than \$75,000; \$750 for each quarter in which disbursements total \$75,000 or more but less than \$150,000; \$1,250 for each quarter in which disbursements total \$150,000 or more but less than \$225,000; \$1,500 for each quarter in which disbursements total \$225,000 or more but less than \$300,000; \$3,750 for each quarter in which disbursements total \$300,000 or more but less than \$1,000,000; \$5,000 for each quarter in which disbursements total \$1,000,000 or more but less than \$2,000,000; \$7,500 for each quarter in which disbursements total \$2,000,000 or more but less than \$3,000,000; \$8,000 for each quarter in which disbursements total \$3,000,000 or more but less than \$5,000,000; \$10,000 for each quarter in which disbursements total \$5,000,000 or more. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed.”

2006—Subsec. (a)(1). Pub. L. 109–171, § 10101(a)(1), substituted “\$245” for “\$220” in subpar. (A) and “\$235” for “\$150” in subpar. (B).

Subsec. (a)(2). Pub. L. 109–171, § 10101(a)(2), which directed substitution of “\$2,750” for “\$1,000” in par. (2), could not be executed because “\$1,000” does not appear in par. (2).

2005—Subsec. (a). Pub. L. 109–8, § 418(1), substituted “The parties” for “Notwithstanding section 1915 of this title, the parties” in introductory provisions.

Subsec. (a)(1). Pub. L. 109–8, § 325(a)(1), as amended by Pub. L. 109–13, added par. (1) and struck out former par. (1), which read as follows: “For a case commenced under chapter 7 or 13 of title 11, \$155.”

Subsec. (a)(3). Pub. L. 109–8, § 325(a)(2), as amended by Pub. L. 109–13, substituted “\$1,000” for “\$800”.

Subsec. (f). Pub. L. 109–8, § 418(2), added subsec. (f).

2000—Subsec. (a). Pub. L. 106–518, § 104, substituted “the amount equal to the difference between the fee specified in paragraph (3) and the fee specified in paragraph (1)” for “\$400” in concluding provisions.

Subsec. (a)(2). Pub. L. 106–518, § 103, substituted “equal to the fee specified in paragraph (3) for filing a case under chapter 11 of title 11. The amount by which the fee payable under this paragraph exceeds \$300 shall be deposited in the fund established under section 1931 of this title” for “\$300”.

Subsec. (a)(7). Pub. L. 106–518, § 105, which directed amendment of subsec. (a) by adding par. (7) at end, was executed by adding par. (7) after par. (6) and before concluding provisions to reflect the probable intent of Congress.

1999—Subsec. (a)(1). Pub. L. 106–113 substituted “\$155” for “\$130”.

1996—Subsec. (a)(3). Pub. L. 104–208 inserted a dollar sign before “800”.

Subsec. (a)(6). Pub. L. 104–208 substituted “\$500 for each quarter in which disbursements total \$15,000 or more but less than \$75,000; \$750 for each quarter in which disbursements total \$75,000 or more but less than \$150,000; \$1,250 for each quarter in which disbursements total \$150,000 or more but less than \$225,000; \$1,500 for each quarter in which disbursements total \$225,000 or more but less than \$300,000; \$3,750 for each quarter in which disbursements total \$300,000 or more but less than \$1,000,000; \$5,000 for each quarter in which disbursements total \$1,000,000 or more but less than \$2,000,000; \$7,500 for each quarter in which disbursements total \$2,000,000 or more but less than \$3,000,000; \$8,000 for each quarter in which disbursements total \$3,000,000 or more but less than \$5,000,000; \$10,000 for each quarter in which disbursements total \$5,000,000 or more. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed.” for “\$500 for each quarter in which disbursements total \$15,000 or more but less than \$150,000; \$1,250 or each quarter in which disbursements total \$150,000 or more but less than \$300,000; \$3,750 for each quarter in which disbursements total \$300,000 or more but less than \$3,000,000; \$5,000 for each quarter in which disbursements total \$3,000,000 or more. The fee shall be payable on the last day of the calendar month

following the calendar quarter for which the fee is owed.”

Pub. L. 104–91, as amended by Pub. L. 104–99, struck out “a plan is confirmed or” before “the case is converted”.

1993—Subsec. (a)(1). Pub. L. 103–121, § 111(a)(1), substituted “\$130” for “\$120”.

Subsec. (a)(3). Pub. L. 103–121, § 111(b)(1), substituted “800” for “\$600”.

1991—Subsec. (a)(3). Pub. L. 102–140, § 111(a)(1), substituted “\$600” for “\$500”.

Subsec. (a)(6). Pub. L. 102–140, § 111(a)(2), substituted “\$250” for “\$150”, “\$500” for “\$300”, “\$1,250” for “\$750”, “\$3,750” for “\$2,250”, and “\$5,000” for “\$3,000”.

1989—Subsec. (a)(1). Pub. L. 101–162 substituted “\$120” for “\$90”.

1986—Subsec. (a). Pub. L. 99–554, §§ 117(5), 144(f), in introductory and closing provisions, substituted “of the district court or the clerk of the bankruptcy court, if one has been certified pursuant to section 156(b) of this title” for “of the court”, and in closing provisions, inserted provision that for conversion, on request of the debtor, of a case under chapter 7 or 13 of title 11, to a case under chapter 11 of title 11, the debtor pay to the clerk of the court a fee of \$400.

Subsec. (a)(1). Pub. L. 99–500 and Pub. L. 99–591, Pub. L. 99–554, § 117(1), amended par. (1) identically substituting “\$90” for “\$60”.

Subsec. (a)(3). Pub. L. 99–554, § 117(2), substituted “\$500” for “\$200”.

Subsec. (a)(4). Pub. L. 99–554, § 117(3), substituted “\$1,000” for “\$500”.

Subsec. (a)(5), (6). Pub. L. 99–554, § 117(4), added pars. (5) and (6).

1984—Pub. L. 98–353, § 111(b), substituted “fees” for “courts” in section catchline.

Subsecs. (a), (c), (e). Pub. L. 98–353, § 111(a), substituted “clerk of the court” for “clerk of the bankruptcy court”.

#### EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115–72, div. B, § 1004(c), Oct. 26, 2017, 131 Stat. 1232, provided that: “The amendments made by this section [amending this section and enacting provisions set out as a note under section 589a of this title] shall apply to quarterly fees payable under section 1930(a)(6) of title 28, United States Code, as amended by this section, for disbursements made in any calendar quarter that begins on or after the date of enactment of this Act [Oct. 26, 2017].”

#### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–121 effective 180 days after May 25, 2012, see section 3(e) of Pub. L. 112–121, set out as a note under section 589a of this title.

#### EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110–161, div. B, title II, § 213(b), Dec. 26, 2007, 121 Stat. 1914, provided that: “This section [amending this section] and the amendment made by this section shall take effect January 1, 2008, or the date of the enactment of this Act [Dec. 26, 2007], whichever is later.”

#### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–171, title X, § 10101(c), Feb. 8, 2006, 120 Stat. 184, provided that: “This section [amending this section and enacting provisions set out as a note under section 1931 of this title] and the amendments made by this section shall take effect 60 days after the date of the enactment of this Act [Feb. 8, 2006].”

#### EFFECTIVE DATE OF 2005 AMENDMENTS

Amendment by Pub. L. 109–13 effective immediately after the enactment of Pub. L. 109–8, Apr. 20, 2005, see section 6058(b) of Pub. L. 109–13, set out as a note under section 589a of this title.

Amendment by Pub. L. 109–8 effective 180 days after Apr. 20, 2005, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before such ef-

fective date, except as otherwise provided, see section 1501 of Pub. L. 109-8, set out as a note under section 101 of Title 11.

#### EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-113, div. B, §1000(a)(1) [title I, §113], Nov. 29, 1999, 113 Stat. 1535, 1501A-20, provided that the amendment made by section 1000(a)(1) [title I, §113] is effective 30 days after Nov. 29, 1999.

#### EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-121, title I, §111(a), Oct. 27, 1993, 107 Stat. 1164, provided in part that the amendment made by that section is effective 30 days after Oct. 27, 1993.

Pub. L. 103-121, title I, §111(b), Oct. 27, 1993, 107 Stat. 1164, provided in part that the amendment made by that section is effective 30 days after Oct. 27, 1993.

#### EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-140, title I, §111, Oct. 28, 1991, 105 Stat. 795, provided that the amendment made by that section is effective 60 days after Oct. 28, 1991.

#### EFFECTIVE DATE OF 1989 AMENDMENT; MISCELLANEOUS FEES

Pub. L. 101-162, title IV, §406(a), Nov. 21, 1989, 103 Stat. 1016, provided that: "Section 1930(a)(1) of title 28, United States Code, is amended by striking out '\$90' and inserting in lieu thereof '\$120'. Pursuant to section 1930(b) of title 28, the Judicial Conference of the United States shall prescribe a fee of \$60 on motions seeking relief from the automatic stay under 11 U.S.C. section 362(b) and motions to compel abandonment of property of the estate. The fees established pursuant to the preceding two sentences shall take effect 30 days after the enactment of this Act [Nov. 21, 1989]."

#### EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-554 effective 30 days after Oct. 27, 1986, with effective date and applicability of enactment of subsec. (a)(6) of this section by section 117(4) of Pub. L. 99-554 dependent upon the judicial district involved, see section 302(a), (d), (e) of Pub. L. 99-554, set out as a note under section 581 of this title.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-353 effective July 10, 1984, see section 122(a) of Pub. L. 98-353, set out as an Effective Date note under section 151 of this title.

#### EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 402(c) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

#### USE OF INCREASED RECEIPTS

Pub. L. 109-8, title III, §325(e), Apr. 20, 2005, 119 Stat. 99, which provided for the disposition of certain fees collected under section 1930 of this title during the 5-year period beginning on Apr. 20, 2005, greater than the amount that would have been collected had the amendment by Pub. L. 109-8, §325(a), not been made, was omitted in the general amendment of section 325 of Pub. L. 109-8 by Pub. L. 109-13, div. A, title VI, §6058, May 11, 2005, 119 Stat. 297, effective immediately after the enactment of Pub. L. 109-8, Apr. 20, 2005.

#### ACCRUAL AND PAYMENT OF QUARTERLY FEES IN CHAPTER 11 CASES AFTER JAN. 27, 1996; CONFIRMATION STATUS OF PLANS

Pub. L. 104-91, title I, §101(a), Jan. 6, 1996, 110 Stat. 10, as amended by Pub. L. 104-208, div. A, title I, §101(a) [title I, §109(d)], Sept. 30, 1996, 110 Stat. 3009, 3009-19, provided in part: "That, notwithstanding any other provision of law, the fees under 28 U.S.C. 1930(a)(6) shall accrue and be payable from and after January 27, 1996, in all cases (including, without limitation, any cases pending as of that date), regardless of confirmation status of their plans".

#### REPORT ON BANKRUPTCY FEES

Pub. L. 103-121, title I, §111(d), Oct. 27, 1993, 107 Stat. 1165, provided that:

"(1) REPORT REQUIRED.—Not later than March 31, 1998, the Judicial Conference of the United States shall submit to the Committees on the Judiciary of the House of Representatives and the Senate, a report relating to the bankruptcy fee system and the impact of such system on various participants in bankruptcy cases.

"(2) CONTENTS OF REPORT.—Such report shall include—

"(A)(i) an estimate of the costs and benefits that would result from waiving bankruptcy fees payable by debtors who are individuals, and

"(ii) recommendations regarding various revenue sources to offset the net cost of waiving such fees; and

"(B)(i) an evaluation of the effects that would result in cases under chapters 11 and 13 of title 11, United States Code, from using a graduated bankruptcy fee system based on assets, liabilities, or both of the debtor, and

"(ii) recommendations regarding various methods to implement such a graduated bankruptcy fee system.

"(3) WAIVER OF FEES IN SELECTED DISTRICTS.—For purposes of carrying out paragraphs (1) and (2), the Judicial Conference of the United States shall carry out in not more than six judicial districts, throughout the 3-year period beginning on October 1, 1994, a program under which fees payable under section 1930 of title 28, United States Code, may be waived in cases under chapter 7 of title 11, United States Code, for debtors who are individuals unable to pay such fees in installments.

"(4) STUDY OF GRADUATED FEE SYSTEM.—For purposes of carrying out paragraphs (1) and (2), the Judicial Conference of the United States shall carry out, in not fewer than six judicial districts, a study to estimate the results that would occur in cases under chapters 11 and 13 of title 11, United States Code, if filing fees payable under section 1930 of title 28, United States Code, were paid on a graduated scale based on assets, liabilities, or both of the debtor."

#### COURT FEES FOR ELECTRONIC ACCESS TO INFORMATION

Judicial Conference to prescribe reasonable fees for collection by courts under this section for access to information available through automatic data processing equipment and fees to be deposited in Judiciary Automation Fund, see section 303 of Pub. L. 102-140, set out as a note under section 1913 of this title.

#### ISSUANCE OF NOTICES TO CREDITORS AND OTHER INTERESTED PARTIES

Pub. L. 101-162, title IV, §403, Nov. 21, 1989, 103 Stat. 1013, provided that: "Notwithstanding any other provision of law, for fiscal year 1990 and hereafter, (a) The Administrative Office of the United States Courts, or any other agency or instrumentality of the United States, is prohibited from restricting solely to staff of the Clerks of the United States Bankruptcy Courts the issuance of notices to creditors and other interested parties. (b) The Administrative Office shall permit and encourage the preparation and mailing of such notices to be performed by or at the expense of the debtors, trustees or such other interested parties as the Court may direct and approve. (c) The Director of the Administrative Office of the United States Courts shall make appropriate provisions for the use of and accounting for any postage required pursuant to such directives."

#### COLLECTION AND DISPOSITION OF FEES IN BANKRUPTCY CASES

Pub. L. 101-162, title IV, §404(a), Nov. 21, 1989, 103 Stat. 1013, provided that: "For fiscal year 1990 and hereafter, such fees as shall be collected for the preparation and mailing of notices in bankruptcy cases as prescribed by the Judicial Conference of the United States pursuant to 28 U.S.C. 1930(b) shall be deposited to the

‘Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses’ appropriation to be used for salaries and other expenses incurred in providing these services.’

### § 1931. Disposition of filing fees

(a) Of the amounts paid to the clerk of court as a fee under section 1914(a) or as part of a judgment for costs under section 2412(a)(2) of this title, \$190 shall be deposited into a special fund of the Treasury to be available to offset funds appropriated for the operation and maintenance of the courts of the United States.

(b) If the court authorizes a fee under section 1914(a) or an amount included in a judgment for costs under section 2412(a)(2) of this title of less than \$250, the entire fee or amount, up to \$190, shall be deposited into the special fund provided in this section.

(Added Pub. L. 99–500, § 101(b) [title IV, § 407(c)], Oct. 18, 1986, 100 Stat. 1783–39, 1783–64, and Pub. L. 99–591, § 101(b) [title IV, § 407(c)], Oct. 30, 1986, 100 Stat. 3341–39, 3341–64; amended Pub. L. 101–162, title IV, § 406(d), Nov. 21, 1989, 103 Stat. 1016; Pub. L. 102–572, title III, § 301(b), Oct. 29, 1992, 106 Stat. 4511; Pub. L. 104–317, title IV, § 401(b), Oct. 19, 1996, 110 Stat. 3853; Pub. L. 108–447, div. B, title III, § 307(b), Dec. 8, 2004, 118 Stat. 2895.)

#### CODIFICATION

Pub. L. 99–591 is a corrected version of Pub. L. 99–500.

#### AMENDMENTS

2004—Subsec. (a). Pub. L. 108–447, § 307(b)(1), substituted “\$190” for “\$90”.

Subsec. (b). Pub. L. 108–447, § 307(b)(2), substituted “\$250” for “\$150” and “\$190” for “\$90”.

1996—Subsec. (a). Pub. L. 104–317, § 401(b)(1), substituted “\$90” for “\$60”.

Subsec. (b). Pub. L. 104–317, § 401(b)(2), substituted “\$150” for “\$120” and “\$90” for “\$60”.

1992—Pub. L. 102–572 substituted present provisions for former provisions which read as follows:

“The following portion of moneys paid to the clerk of court as filing fees under this chapter shall be deposited into a special fund of the Treasury to be available to offset funds appropriated for the operation and maintenance of the courts of the United States:

“Under section 1914(a), \$60.”

1989—Pub. L. 101–162, which directed that “as provided in annual appropriation acts” be struck out before colon, was executed by striking out “as provided in annual appropriation Acts” before colon as probable intent of Congress.

#### EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108–447 effective 60 days after Dec. 8, 2004, see section 307(c) of Pub. L. 108–447, set out as a note under section 1914 of this title.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–317 effective 60 days after Oct. 19, 1996, see section 401(c) of Pub. L. 104–317, set out as a note under section 1914 of this title.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–572 effective Jan. 1, 1993, see section 1101(a) of Pub. L. 102–572, set out as a note under section 905 of Title 2, The Congress.

#### PAYGO OFFSET EXPENDITURE LIMITATION

Pub. L. 112–121, § 3(d), May 25, 2012, 126 Stat. 348, provided that: “\$42 of the incremental amounts collected

by reason of the enactment of subsection (a) [amending section 1930 of this title] shall be deposited in a special fund in the Treasury to be established after the date of enactment of this Act [May 25, 2012]. Such amounts shall be available for the purposes specified in section 1931(a) of title 28, United States Code, but only to the extent specifically appropriated by an Act of Congress enacted after the date of enactment of this Act.”

#### EXPENDITURE LIMITATION

Pub. L. 109–171, title X, § 10001(c), Feb. 8, 2006, 120 Stat. 183, provided that: “Incremental amounts collected by reason of the enactment of this section [amending section 1914 of this title and enacting provisions set out as notes under sections 1913 and 1914 of this title] shall be deposited in a special fund in the Treasury to be established after the enactment of this Act [Feb. 8, 2006]. Such amounts shall be available for the purposes specified in section 1931(a) of title 28, United States Code, but only to the extent specifically appropriated by an Act of Congress enacted after the enactment of this Act.”

Pub. L. 109–171, title X, § 10101(b), Feb. 8, 2006, 120 Stat. 184, provided that: “Incremental amounts collected by reason of the amendments made by subsection (a) [amending section 1930 of this title] shall be deposited in a special fund in the Treasury to be established after the enactment of this Act [Feb. 8, 2006]. Such amounts shall be available for the purposes specified in section 1931(a) of title 28, United States Code, but only to the extent specifically appropriated by an Act of Congress enacted after the enactment of this Act.”

#### DISPOSITION OF FEES

Pub. L. 106–518, title I, § 102, Nov. 13, 2000, 114 Stat. 2411, provided that: “For fiscal year 2001 and each fiscal year thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States under sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees in effect on September 30, 2000, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.”

Pub. L. 104–317, title IV, § 404, Oct. 19, 1996, 110 Stat. 3855, provided that:

“(a) DISPOSITION OF ATTORNEY ADMISSION FEES.—For each fee collected for admission of an attorney to practice, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, \$30 of that portion of the fee exceeding \$20 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code. Any portion exceeding \$5 of the fee for a duplicate certificate of admission or certificate of good standing, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

“(b) DISPOSITION OF BANKRUPTCY COMPLAINT FILING FEES.—For each fee collected for filing an adversary complaint in a bankruptcy proceeding, as established in Item 6 of the Bankruptcy Court Miscellaneous Fee Schedule prescribed by the Judicial Conference of the United States pursuant to section 1930(b) of title 28, United States Code, the portion of the fee exceeding \$120 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

“(c) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act [Oct. 19, 1996].”

#### COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES

Pub. L. 101–162, title IV, § 406(b), Nov. 21, 1989, 103 Stat. 1016, as amended by Pub. L. 103–121, title I,