

(b) Award of compensation less than amount requested

The court may, on its own motion or on the motion of the United States Trustee or any other party in interest, award compensation that is less than the amount of compensation that is requested.

(c) Factors considered

In determining the amount of reasonable compensation to be awarded to a professional person, the court shall consider the nature, the extent, and the value of such services, taking into account all relevant factors, including—

- (1) the time spent on such services;
- (2) the rates charged for such services;
- (3) whether the services were necessary to the administration of, or beneficial at the time at which the service was rendered toward the completion of, a case under this chapter;¹
- (4) whether the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed;
- (5) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the restructuring field; and
- (6) whether the compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under this subchapter or title 11.

(d) Services ineligible for compensation

The court shall not allow compensation for—

- (1) unnecessary duplication of services; or
- (2) services that were not—
 - (A) reasonably likely to benefit the debtor; or
 - (B) necessary to the administration of the case.

(e) Offset for interim compensation under section 2177 of this title

The court shall reduce the amount of compensation awarded under this section by the amount of any interim compensation awarded under section 2177 of this title, and, if the amount of such interim compensation exceeds the amount of compensation awarded under this section, may order the return of the excess to the debtor.

(f) Compensation for preparation of fee application

Any compensation awarded for the preparation of a fee application shall be based on the level and skill reasonably required to prepare the application.

(Pub. L. 114-187, title III, §316, June 30, 2016, 130 Stat. 584.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (c)(3), was so in the original, but probably should have been a reference to “this title”, meaning title III of Pub. L. 114-187,

¹ See References in Text note below.

June 30, 2016, 130 Stat. 577, which is classified generally to this subchapter. Pub. L. 114-187 does not contain chapters.

§ 2177. Interim compensation

A debtor’s attorney, or any professional person employed by the debtor (in the debtor’s sole discretion), the Oversight Board (in the Oversight Board’s sole discretion), a committee under section 1103 of title 11, or a trustee appointed by the court under section 926 of title 11, may apply to the court not more than once every 120 days after an order for relief in a case under this subchapter, or more often if the court permits, for such compensation for services rendered before the date of such an application or reimbursement for expenses incurred before such date as is provided under section 2176 of this title.

(Pub. L. 114-187, title III, §317, June 30, 2016, 130 Stat. 585.)

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

§ 2191. Rules of construction

Nothing in this chapter is intended, or may be construed—

- (1) to limit the authority of Congress to exercise legislative authority over the territories pursuant to Article IV, section 3 of the Constitution of the United States;
- (2) to authorize the application of section 2124(f) of this title (relating to issuance of subpoenas) to judicial officers or employees of territory courts;
- (3) to alter, amend, or abrogate any provision of the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (48 U.S.C. 1801 et seq.); or
- (4) to alter, amend, or abrogate the treaties of cession regarding certain islands of American Samoa (48 U.S.C. 1661).

(Pub. L. 114-187, title IV, §401, June 30, 2016, 130 Stat. 585.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 114-187, June 30, 2016, 130 Stat. 549, known as the Puerto Rico Oversight, Management, and Economic Stability Act and also as PROMESA, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2101 of this title and Tables.

The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, referred to in par. (3), is contained in section 1 of Pub. L. 94-241, set out as a note under section 1801 of this title.

§ 2192. Right of Puerto Rico to determine its future political status

Nothing in this chapter shall be interpreted to restrict Puerto Rico’s right to determine its future political status, including by conducting the plebiscite as authorized by Public Law 113-76.