

Union Calendar No. 98

112TH CONGRESS
1ST SESSION

H. R. 1021

[Report No. 112-152]

To prevent the termination of the temporary office of bankruptcy judges
in certain judicial districts.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2011

Mr. SMITH of Texas (for himself, Mr. COHEN, Mr. COBLE, and Mr. CONYERS)
introduced the following bill; which was referred to the Committee on the
Judiciary

JULY 19, 2011

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 10, 2011]

A BILL

To prevent the termination of the temporary office of
bankruptcy judges in certain judicial districts.

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 “Temporary Bankruptcy*
5 *Judgeships Extension Act of 2011”.*

6 **SEC. 2. EXTENSION OF TEMPORARY OFFICE OF BANK-**
7 **RUPTCY JUDGES IN CERTAIN JUDICIAL DIS-**
8 **TRICTS.**

9 *(a) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AU-*
10 *THORIZED BY PUBLIC LAW 109–8.—*

11 *(1) EXTENSIONS.—The temporary office of bank-*
12 *ruptcy judges authorized for the following districts by*
13 *section 1223(b) of Public Law 109–8 (28 U.S.C. 152*
14 *note) are extended until the applicable vacancy speci-*
15 *fied in paragraph (2) in the office of a bankruptcy*
16 *judge for the respective district occurs:*

17 *(A) The central district of California.*

18 *(B) The eastern district of California.*

19 *(C) The district of Delaware.*

20 *(D) The southern district of Florida.*

21 *(E) The southern district of Georgia.*

22 *(F) The district of Maryland.*

23 *(G) The eastern district of Michigan.*

24 *(H) The district of New Jersey.*

25 *(I) The northern district of New York.*

1 *(J) The southern district of New York.*

2 *(K) The eastern district of North Carolina.*

3 *(L) The eastern district of Pennsylvania.*

4 *(M) The middle district of Pennsylvania.*

5 *(N) The district of Puerto Rico.*

6 *(O) The district of South Carolina.*

7 *(P) The western district of Tennessee.*

8 *(Q) The eastern district of Virginia.*

9 *(R) The district of Nevada.*

10 (2) *VACANCIES.—*

11 *(A) SINGLE VACANCIES.—Except as pro-*
 12 *vided in subparagraphs (B), (C), (D), and (E),*
 13 *the 1st vacancy in the office of a bankruptcy*
 14 *judge for each district specified in paragraph*
 15 *(1)—*

16 *(i) occurring more than 5 years after*
 17 *the date of the enactment of this Act, and*

18 *(ii) resulting from the death, retire-*
 19 *ment, resignation, or removal of a bank-*
 20 *ruptcy judge,*

21 *shall not be filled.*

22 *(B) CENTRAL DISTRICT OF CALIFORNIA.—*
 23 *The 1st, 2d, and 3d vacancies in the office of*
 24 *bankruptcy judge for the central district of Cali-*
 25 *fornia—*

1 (i) occurring 5 years or more after the
2 date of the enactment of this Act, and

3 (ii) resulting from the death, retire-
4 ment, resignation, or removal of a bank-
5 ruptcy judge,

6 shall not be filled.

7 (C) DISTRICT OF DELAWARE.—The 1st, 2d,
8 3d, and 4th vacancies in the office of a bank-
9 ruptcy judge for the district of Delaware—

10 (i) occurring more than 5 years after
11 the date of the enactment of this Act, and

12 (ii) resulting from the death, retire-
13 ment, resignation, or removal of a bank-
14 ruptcy judge,

15 shall not be filled.

16 (D) SOUTHERN DISTRICT OF FLORIDA.—
17 The 1st and 2d vacancies in the office of a bank-
18 ruptcy judge for the southern district of Flor-
19 ida—

20 (i) occurring more than 5 years after
21 the date of the enactment of this Act, and

22 (ii) resulting from the death, retire-
23 ment, resignation, or removal of a bank-
24 ruptcy judge,

25 shall not be filled.

1 (E) *DISTRICT OF MARYLAND.—The 1st, 2d,*
2 *and 3d vacancies in the office of a bankruptcy*
3 *judge for the district of Maryland—*

4 (i) *occurring more than 5 years after*
5 *the date of the enactment of this Act, and*

6 (ii) *resulting from the death, retire-*
7 *ment, resignation, or removal of a bank-*
8 *ruptcy judge,*

9 *shall not be filled.*

10 (3) *APPLICABILITY OF OTHER PROVISIONS.—Ex-*
11 *cept as provided in paragraphs (1) and (2), all other*
12 *provisions of section 1223(b) of Public Law 109–8 (28*
13 *U.S.C. 152 note) remain applicable to the temporary*
14 *office of bankruptcy judges referred to in paragraph*
15 *(1).*

16 (b) *TEMPORARY OFFICE OF BANKRUPTCY JUDGES EX-*
17 *TENDED BY PUBLIC LAW 109–8.—*

18 (1) *EXTENSIONS.—The temporary office of bank-*
19 *ruptcy judges authorized by section 3 of the Bank-*
20 *ruptcy Judgeship Act of 1992 (28 U.S.C. 152 note)*
21 *and extended by section 1223(c) of Public Law 109–*
22 *8 (28 U.S.C. 152 note) for the district of Delaware,*
23 *the district of Puerto Rico, and the eastern district of*
24 *Tennessee are extended until the applicable vacancy*

1 specified in paragraph (2) in the office of a bank-
2 ruptcy judge for the respective district occurs.

3 (2) VACANCIES.—

4 (A) DISTRICT OF DELAWARE.—The 5th va-
5 cancy in the office of a bankruptcy judge for the
6 district of Delaware—

7 (i) occurring more than 5 years after
8 the date of the enactment of this Act, and

9 (ii) resulting from the death, retire-
10 ment, resignation, or removal of a bank-
11 ruptcy judge,

12 shall not be filled.

13 (B) DISTRICT OF PUERTO RICO.—The 2d
14 vacancy in the office of a bankruptcy judge for
15 the district of Puerto Rico—

16 (i) occurring more than 5 years after
17 the date of the enactment of this Act, and

18 (ii) resulting from the death, retire-
19 ment, resignation, or removal of a bank-
20 ruptcy judge,

21 shall not be filled.

22 (C) EASTERN DISTRICT OF TENNESSEE.—
23 The 1st vacancy in the office of a bankruptcy
24 judge for the eastern district of Tennessee—

1 (i) occurring more than 5 years after
2 the date of the enactment of this Act, and
3 (ii) resulting from the death, retire-
4 ment, resignation, or removal of a bank-
5 ruptcy judge,
6 shall not be filled.

7 (3) *APPLICABILITY OF OTHER PROVISIONS.*—*Ex-*
8 cept as provided in paragraphs (1) and (2), all other
9 provisions of section 3 of the Bankruptcy Judgeship
10 Act of 1992 (28 U.S.C. 152 note) and section 1223(c)
11 of Public Law 109–8 (28 U.S.C. 152 note) remain
12 applicable to the temporary office of bankruptcy
13 judges referred to in paragraph (1).

14 (c) *TEMPORARY OFFICE OF THE BANKRUPTCY JUDGE*
15 *AUTHORIZED BY PUBLIC LAW 102–361 FOR THE MIDDLE*
16 *DISTRICT OF NORTH CAROLINA.*—

17 (1) *EXTENSION.*—*The temporary office of the*
18 *bankruptcy judge authorized by section 3 of the Bank-*
19 *ruptcy Judgeship Act of 1992 (28 U.S.C. 152 note)*
20 *for the middle district of North Carolina is extended*
21 *until the vacancy specified in paragraph (2) occurs.*

22 (2) *VACANCY.*—*The 1st vacancy in the office of*
23 *a bankruptcy judge for the middle district of North*
24 *Carolina—*

1 (A) occurring more than 5 years after the
2 date of the enactment of this Act, and

3 (B) resulting from the death, retirement,
4 resignation, or removal of a bankruptcy judge,
5 shall not be filled.

6 (3) *APPLICABILITY OF OTHER PROVISIONS.*—*Ex-*
7 *cept as provided in paragraphs (1) and (2), all other*
8 *provisions of section 3 of the Bankruptcy Judgeship*
9 *Act of 1992 (28 U.S.C. 152 note) remain applicable*
10 *to the temporary office of the bankruptcy judge re-*
11 *ferred to in paragraph (1).*

Union Calendar No. 98

112TH CONGRESS
1ST Session

H. R. 1021

[Report No. 112-152]

A BILL

To prevent the termination of the temporary office of bankruptcy judges in certain judicial districts.

JULY 19, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed