

# Calendar No. 261

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1821

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

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 2011

Mr. COONS (for himself, Mr. ISAKSON, Mr. BURR, Mr. GRAHAM, Mr. CARPER,  
Mrs. HAGAN, Mr. ALEXANDER, Mr. HELLER, Mrs. FEINSTEIN, and Mr.  
NELSON of Florida) introduced the following bill; which was read twice  
and referred to the Committee on the Judiciary

DECEMBER 15, 2011

Reported by Mr. LEAHY, with an amendment

[Omit the part struck through and insert the part printed in *italic*]

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## 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.

1 **SEC. 2. EXTENSION OF TEMPORARY OFFICE OF BANK-**  
2 **RUPTCY JUDGES IN CERTAIN JUDICIAL DIS-**  
3 **TRICTS.**

4 (a) TEMPORARY OFFICE OF BANKRUPTCY JUDGES  
5 AUTHORIZED BY PUBLIC LAW 109-8.—

6 (1) EXTENSIONS.—The temporary office of  
7 bankruptcy judges authorized for the following dis-  
8 tricts by section 1223(b) of Public Law 109-8 (28  
9 U.S.C. 152 note) are extended until the applicable  
10 vacancy specified in paragraph (2) in the office of a  
11 bankruptcy judge for the respective district occurs:

- 12 (A) The central district of California.  
13 (B) The eastern district of California.  
14 (C) The district of Delaware.  
15 (D) The southern district of Florida.  
16 (E) The southern district of Georgia.  
17 (F) The district of Maryland.  
18 (G) The eastern district of Michigan.  
19 (H) The district of New Jersey.  
20 (I) The northern district of New York.  
21 (J) The southern district of New York.  
22 (K) The eastern district of North Carolina.  
23 (L) The eastern district of Pennsylvania.  
24 (M) The middle district of Pennsylvania.  
25 (N) The district of Puerto Rico.  
26 (O) The district of South Carolina.

1 (P) The western district of Tennessee.

2 (Q) The eastern district of Virginia.

3 (R) The district of Nevada.

4 (2) VACANCIES.—

5 (A) SINGLE VACANCIES.—Except as pro-  
6 vided in subparagraphs (B), (C), (D), and (E),  
7 the 1st vacancy in the office of a bankruptcy  
8 judge for each district specified in paragraph  
9 (1)—

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 (B) CENTRAL DISTRICT OF CALIFORNIA.—

17 The 1st, 2d, and 3d vacancies in the office of  
18 bankruptcy judge for the central district of  
19 California—

20 (i) occurring 5 years or more after the  
21 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 (C) DISTRICT OF DELAWARE.—The 1st,  
2 2d, 3d, and 4th vacancies in the office of a  
3 bankruptcy judge for the district of Delaware—

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 (D) SOUTHERN DISTRICT OF FLORIDA.—  
11 The 1st and 2d vacancies in the office of a  
12 bankruptcy judge for the southern district of  
13 Florida—

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

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

19 shall not be filled.

20 (E) DISTRICT OF MARYLAND.—The 1st,  
21 2d, and 3d vacancies in the office of a bank-  
22 ruptcy judge for the district of Maryland—

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

1                   (ii) resulting from the death, retire-  
2                   ment, resignation, or removal of a bank-  
3                   ruptcy judge,  
4                   shall not be filled.

5                   (3) APPLICABILITY OF OTHER PROVISIONS.—  
6                   Except as provided in paragraphs (1) and (2), all  
7                   other provisions of section 1223(b) of Public Law  
8                   109–8 (28 U.S.C. 152 note) remain applicable to the  
9                   temporary office of bankruptcy judges referred to in  
10                  paragraph (1).

11                  (b) TEMPORARY OFFICE OF BANKRUPTCY JUDGES  
12                  EXTENDED BY PUBLIC LAW 109–8.—

13                  (1) EXTENSIONS.—The temporary office of  
14                  bankruptcy judges authorized by section 3 of the  
15                  Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152  
16                  note) and extended by section 1223(c) of Public Law  
17                  109–8 (28 U.S.C. 152 note) for the district of Dela-  
18                  ware, the district of Puerto Rico, and the eastern  
19                  district of Tennessee are extended until the applica-  
20                  ble vacancy specified in paragraph (2) in the office  
21                  of a bankruptcy judge for the respective district oc-  
22                  curs.

23                  (2) VACANCIES.—

1 (A) DISTRICT OF DELAWARE.—The 5th  
2 vacancy in the office of a bankruptcy judge for  
3 the district of Delaware—

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

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

15 (ii) resulting from the death, retire-  
16 ment, resignation, or removal of a bank-  
17 ruptcy judge,

18 shall not be filled.

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

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

1                   (ii) resulting from the death, retire-  
2                   ment, resignation, or removal of a bank-  
3                   ruptcy judge,  
4                   shall not be filled.

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

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

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

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

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

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

4 (3) APPLICABILITY OF OTHER PROVISIONS.—  
 5 Except as provided in paragraphs (1) and (2), all  
 6 other provisions of section 3 of the Bankruptcy  
 7 Judgeship Act of 1992 (28 U.S.C. 152 note) remain  
 8 applicable to the temporary office of the bankruptcy  
 9 judge referred to in paragraph (1).

10 **SEC. 3. TEMPORARY JUDGESHIP PAYGO OFFSET.**

11 (a) ~~BANKRUPTCY FILING FEES.~~—Section 1930(a)(3)  
 12 of title 28, United States Code, is amended by striking  
 13 “\$1,000” and inserting “\$1,042”.

14 (b) ~~UNITED STATES TRUSTEE SYSTEM FUND.~~—See-  
 15 tion 589a(b)(2) of title 28, United States Code, is amend-  
 16 ed by striking “55” and inserting “52.78”.

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 “25” and inserting “23.99”.

21 (d) ~~EXPENDITURE LIMITATION.~~—Incremental  
 22 amounts collected by reason of the enactment of sub-  
 23 section (a) shall be deposited in a special fund in the  
 24 Treasury of the United States, to be established after the  
 25 date of enactment of this Act. Such amounts shall be



1 available for the purposes specified in section ~~1931(a)~~ of  
2 title 28, United States Code, but only to the extent specifi-  
3 cally appropriated by an Act of Congress enacted after the  
4 date of enactment of this Act.

5 ~~(e) EFFECTIVE DATE.—This section and the amend-~~  
6 ~~ments made by this section shall take effect 180 days after~~  
7 ~~the date of enactment of this Act.~~

8 **SEC. 3. TEMPORARY JUDGESHIP PAYGO OFFSET.**

9 *(a) BANKRUPTCY FILING FEES.—Section 1930(a)(3)*  
10 *of title 28, United States Code, is amended by striking*  
11 *“\$1,000” and inserting “\$1,042”.*

12 *(b) EXPENDITURE LIMITATION.—Incremental*  
13 *amounts collected by reason of the enactment of subsection*  
14 *(a) shall be deposited in a special fund in the United States*  
15 *Treasury, to be established after the date of enactment of*  
16 *this Act. Such amounts shall be available for the purposes*  
17 *specified in section 1931(a) of title 28, United States Code,*  
18 *but only to the extent specifically appropriated by an Act*  
19 *of Congress enacted after the date of enactment of this Act.*

20 *(c) EFFECTIVE DATE.—This section shall take effect*  
21 *180 days after the date of enactment of this Act.*

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112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

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