

112TH CONGRESS
2D SESSION

H. R. 4967

IN THE SENATE OF THE UNITED STATES

MAY 10, 2012

Received

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Temporary Bank-
3 ruptcy Judgeships Extension Act of 2012”.

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

7 (a) TEMPORARY OFFICE OF BANKRUPTCY JUDGES
8 AUTHORIZED BY PUBLIC LAW 109–8.—

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

15 (A) The central district of California.

16 (B) The eastern district of California.

17 (C) The district of Delaware.

18 (D) The southern district of Florida.

19 (E) The southern district of Georgia.

20 (F) The district of Maryland.

21 (G) The eastern district of Michigan.

22 (H) The district of New Jersey.

23 (I) The northern district of New York.

24 (J) The eastern district of North Carolina.

25 (K) The eastern district of Pennsylvania.

26 (L) The middle district of Pennsylvania.

- 1 (M) The district of Puerto Rico.
- 2 (N) The district of South Carolina.
- 3 (O) The western district of Tennessee.
- 4 (P) The eastern district of Virginia.
- 5 (Q) The district of Nevada.

6 (2) VACANCIES.—

7 (A) SINGLE VACANCIES.—Except as pro-
8 vided in subparagraphs (B), (C), (D), and (E),
9 the 1st vacancy in the office of a bankruptcy
10 judge for each district specified in paragraph
11 (1)—

- 12 (i) occurring more than 5 years after
- 13 the date of the enactment of this Act, and
- 14 (ii) resulting from the death, retire-
- 15 ment, resignation, or removal of a bank-
- 16 ruptcy judge,
- 17 shall not be filled.

18 (B) CENTRAL DISTRICT OF CALIFORNIA.—
19 The 1st, 2d, and 3d vacancies in the office of
20 a bankruptcy judge for the central district of
21 California—

- 22 (i) occurring 5 years or more after the
- 23 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 (C) DISTRICT OF DELAWARE.—The 1st,
6 2d, 3d, and 4th vacancies in the office of a
7 bankruptcy judge for the district of Delaware—

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

10 (ii) resulting from the death, retire-
11 ment, resignation, or removal of a bank-
12 ruptcy judge,
13 shall not be filled.

14 (D) SOUTHERN DISTRICT OF FLORIDA.—
15 The 1st and 2d vacancies in the office of a
16 bankruptcy judge for the southern district of
17 Florida—

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

20 (ii) resulting from the death, retire-
21 ment, resignation, or removal of a bank-
22 ruptcy judge,
23 shall not be filled.

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

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

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—

Except as provided in paragraphs (1) and (2), all other provisions of section 1223(b) of Public Law 109–8 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(b) TEMPORARY OFFICE OF BANKRUPTCY JUDGES

EXTENDED BY PUBLIC LAW 109–8.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and extended by section 1223(c) of Public Law 109–8 (28 U.S.C. 152 note) for the district of Delaware, the district of Puerto Rico, and the eastern district of Tennessee are extended until the applicable vacancy specified in paragraph (2) in the office

1 of a bankruptcy judge for the respective district oc-
2 curs.

3 (2) VACANCIES.—

4 (A) DISTRICT OF DELAWARE.—The 5th
5 vacancy in the office of a bankruptcy judge for
6 the 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.—
8 Except as provided in paragraphs (1) and (2), all
9 other provisions of section 3 of the Bankruptcy
10 Judgeship Act of 1992 (28 U.S.C. 152 note) and
11 section 1223(c) of Public Law 109–8 (28 U.S.C.
12 152 note) remain applicable to the temporary office
13 of bankruptcy judges referred to in paragraph (1).
14 (c) TEMPORARY OFFICE OF THE BANKRUPTCY
15 JUDGE AUTHORIZED BY PUBLIC LAW 102–361 FOR THE
16 MIDDLE DISTRICT OF NORTH CAROLINA.—

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

23 (2) VACANCY.—The 1st vacancy in the office of
24 a bankruptcy judge for the middle district of North
25 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.—
 7 Except as provided in paragraphs (1) and (2), all
 8 other provisions of section 3 of the Bankruptcy
 9 Judgeship Act of 1992 (28 U.S.C. 152 note) remain
 10 applicable to the temporary office of the bankruptcy
 11 judge referred to in paragraph (1).

12 **SEC. 3. BANKRUPTCY FILING FEE INCREASE.**

13 (a) BANKRUPTCY FILING FEES.—Section 1930(a)(3)
 14 of title 28, United States Code, is amended by striking
 15 “\$1,000” and inserting “\$1,167”.

16 (b) UNITED STATES TRUSTEE SYSTEM FUND.—Sec-
 17 tion 589a(b)(2) of title 28, United States Code, is amend-
 18 ed by striking “55” and inserting “48.89”.

19 (c) COLLECTION AND DEPOSIT OF MISCELLANEOUS
 20 BANKRUPTCY FEES.—Section 406(b) of the Judiciary Ap-
 21 propriations Act, 1990 (28 U.S.C. 1931 note) is amended
 22 by striking “25” and inserting “33.33”.

23 (d) PAYGO OFFSET EXPENDITURE LIMITATION.—
 24 \$42 of the incremental amounts collected by reason of the
 25 enactment of subsection (a) shall be deposited in a special

1 fund in the Treasury to be established after the date of
2 enactment of this Act. Such amounts shall be available
3 for the purposes specified in section 1931(a) of title 28,
4 United States Code, but only to the extent specifically ap-
5 propriated by an Act of Congress enacted after the date
6 of enactment of this Act.

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

10 **SEC. 4. SUBSEQUENT REAUTHORIZATION.**

11 Prior to further reauthorization of any judgeship au-
12 thorized by this Act, the Committee on the Judiciary of
13 the Senate and House of Representatives shall conduct a
14 review of the bankruptcy judgeships authorized by this Act
15 to determine the need, if any, for continued reauthoriza-
16 tion of each judgeship, to evaluate any changes in all
17 bankruptcy case filings and their effect, if any, on filing
18 fee revenue, and to require the Administrative Office of
19 the Courts to submit a report to the Committee on the
20 Judiciary of the Senate and House of Representatives on

- 1 bankruptcy case workload, bankruptcy judgeship costs,
- 2 and filing fee revenue.

Passed the House of Representatives May 9, 2012.

Attest:

KAREN L. HAAS,

Clerk.