

Calendar No. 471

111TH CONGRESS
2D SESSION**S. 193**

To create and extend certain temporary district court judgeships.

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2009

Mrs. FEINSTEIN (for herself, Mr. BROWNBACK, Mr. INOUE, Mr. ROBERTS, Mr. AKAKA, Mr. VOINOVICH, Mrs. BOXER, Mr. JOHANNES, Mr. NELSON of Nebraska, and Mr. BROWN of Ohio) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JULY 21, 2010

Reported by Mr. LEAHY, with an amendment and an amendment to the title

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

A BILL

To create and extend certain temporary district court judgeships.

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. TEMPORARY JUDGEShips FOR DISTRICT**
4 **COURTS.**

5 ~~(a) ADDITIONAL TEMPORARY JUDGEShips.—~~

1 (1) IN GENERAL.—The President shall appoint,
2 by and with the advice and consent of the Senate—

3 (A) 1 additional district judge for the east-
4 ern district of California; and

5 (B) 1 additional district judge for the dis-
6 trict of Nebraska.

7 (2) VACANCIES NOT FILLED.—The first va-
8 cancy in the office of district judge in each of the
9 offices of district judge authorized by this sub-
10 section, occurring 10 years or more after the con-
11 firmation date of the judge named to fill the tem-
12 porary district judgeship created in the applicable
13 district by this subsection, shall not be filled.

14 (b) EXTENSION OF CERTAIN TEMPORARY JUDGE-
15 SHIPS.—Section 203(e) of the Judicial Improvements Act
16 of 1990 (Public Law 101–650; 28 U.S.C. 133 note) is
17 amended—

18 (1) in the second sentence, by inserting “the
19 district of Hawaii,” after “Pennsylvania,”;

20 (2) in the third sentence (relating to the district
21 of Kansas), by striking “17 years” and inserting
22 “26 years”;

23 (3) in the fifth sentence (relating to the north-
24 ern district of Ohio), by striking “17 years” and in-
25 serting “25 years”; and

1 (4) by inserting “The first vacancy in the office
 2 of district judge in the district of Hawaii occurring
 3 20 years or more after the confirmation date of the
 4 judge named to fill the temporary judgeship created
 5 under this subsection shall not be filled.” after the
 6 sixth sentence.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Temporary Judgeships*
 9 *and Bankruptcy Judgeships Act of 2010”.*

10 **TITLE I—TEMPORARY JUDGE-**
 11 **SHIPS FOR DISTRICT COURTS**

12 **SEC. 101. TEMPORARY JUDGEShips FOR DISTRICT COURTS.**

13 (a) *ADDITIONAL TEMPORARY JUDGEShips.*—

14 (1) *IN GENERAL.*—*The President shall appoint,*
 15 *by and with the advice and consent of the Senate—*

16 (A) *1 additional district judge for the east-*
 17 *ern district of California; and*

18 (B) *1 additional district judge for the dis-*
 19 *trict of Nebraska.*

20 (2) *VACANCIES NOT FILLED.*—*The first vacancy*
 21 *in the office of district judge in each of the offices of*
 22 *district judge authorized by this subsection, occurring*
 23 *10 years or more after the confirmation date of the*
 24 *judge named to fill the temporary district judgeship*

1 *created in the applicable district by this subsection,*
 2 *shall not be filled.*

3 (b) *EXTENSION OF CERTAIN TEMPORARY JUDGE-*
 4 *SHIPS.—*

5 (1) *JUDICIAL IMPROVEMENTS ACT OF 1990.—Section*
 6 *203(c) of the Judicial Improvements Act of 1990*
 7 *(Public Law 101–650; 28 U.S.C. 133 note) is amend-*
 8 *ed—*

9 (A) *in the third sentence (relating to the*
 10 *district of Kansas), by striking “19 years” and*
 11 *inserting “26 years”;*

12 (B) *in the sixth sentence (relating to the*
 13 *northern district of Ohio), by striking “19 years”*
 14 *and inserting “25 years”; and*

15 (C) *in the seventh sentence (relating to the*
 16 *district of Hawaii), by striking “16 years” and*
 17 *inserting “20 years”.*

18 (2) *21ST CENTURY DEPARTMENT OF JUSTICE AP-*
 19 *PROPRIATIONS AUTHORIZATION ACT.—Section*
 20 *312(c)(2) of the 21st Century Department of Justice*
 21 *Appropriations Authorization Act (Public Law 107–*
 22 *273; 28 U.S.C. 133 note) is amended—*

23 (A) *by striking “The first vacancy” and in-*
 24 *serting “Except with respect to the district of Ar-*

1 izona, the central district of California, and the
 2 eastern district of Texas, the first vacancy”; and
 3 (B) by adding “The first vacancy in the of-
 4 fice of district judge in the district of Arizona,
 5 the central district of California, and the eastern
 6 district of Texas authorized by this subsection,
 7 occurring 20 years or more after the confirma-
 8 tion date of the judge named to fill the tem-
 9 porary district judgeship created in the applica-
 10 ble district by this subsection, shall not be filled.”
 11 at the end.

12 **TITLE II—BANKRUPTCY** 13 **JUDGESHIP**

14 **SEC. 201. SHORT TITLE.**

15 This title may be cited as the “Bankruptcy Judgeship
 16 Act of 2010”.

17 **SEC. 202. ADDITIONAL PERMANENT OFFICES OF BANK-** 18 **RUPTCY JUDGES.**

19 Section 152(a)(2) of title 28, United States Code, is
 20 amended—

21 (1) in the item relating to the eastern and west-
 22 ern districts of Arkansas by striking “3” and insert-
 23 ing “4”;

24 (2) in the item relating to the eastern district of
 25 California by striking “6” and inserting “8”;

1 (3) in the item relating to the district of Dela-
 2 ware by striking “1” and inserting “6”;

3 (4) in the item relating to the middle district of
 4 Florida by striking “8” and inserting “9”;

5 (5) in the item relating to the northern district
 6 of Florida by striking “1” and inserting “2”;

7 (6) in the item relating to the southern district
 8 of Florida by striking “5” and inserting “7”;

9 (7) in the item relating to the northern district
 10 of Georgia by striking “8” and inserting “10”;

11 (8) in the item relating to the southern district
 12 of Georgia by striking “2” and inserting “3”;

13 (9) in the item relating to the district of Mary-
 14 land by striking “4” and inserting “7”;

15 (10) in the item relating to the eastern district
 16 of Michigan by striking “4” and inserting “7”;

17 (11) in the item relating to the northern district
 18 of Mississippi by striking “1” and inserting “2”;

19 (12) in the item relating to the district of Ne-
 20 vada by striking “3” and inserting “5”;

21 (13) in the item relating to the district of New
 22 Hampshire by striking “1” and inserting “2”;

23 (14) in the item relating to the district of New
 24 Jersey by striking “8” and inserting “9”;

1 (15) in the item relating to the northern district
2 of New York by striking “2” and inserting “3”;

3 (16) in the item relating to the southern district
4 of New York by striking “9” and inserting “10”;

5 (17) in the item relating to the eastern district
6 of North Carolina by striking “2” and inserting “3”;

7 (18) in the item relating to the western district
8 of North Carolina by striking “2” and inserting “3”;

9 (19) in the item relating to the middle district
10 of Pennsylvania by striking “2” and inserting “3”;

11 (20) in the item relating to the eastern district
12 of Tennessee by striking “3” and inserting “4”;

13 (21) in the item relating to the western district
14 of Tennessee by striking “4” and inserting “5”;

15 (22) in the item relating to the eastern district
16 of Virginia by striking “5” and inserting “6”; and

17 (23) in the item relating to the southern district
18 of West Virginia by striking “1” and inserting “2”.

19 **SEC. 203. CONVERSION OF CERTAIN TEMPORARY OFFICES**
20 **OF BANKRUPTCY JUDGES TO PERMANENT OF-**
21 **FICES.**

22 (a) *CONVERSION OF CERTAIN TEMPORARY OFFICES*
23 *ESTABLISHED BY PUBLIC LAW 109–8.*—The temporary of-
24 fices of bankruptcy judges established by section 1223(b)(1)
25 of Public Law 109–8 (28 U.S.C. 152 note) for the following

1 *districts are hereby converted so as to be included in the*
 2 *permanent offices of bankruptcy judges that are added by*
 3 *the amendments made by section 202 with respect to the*
 4 *corresponding districts:*

5 (1) *The eastern district of California.*

6 (2) *The district of Delaware.*

7 (3) *The southern district of Florida.*

8 (4) *The southern district of Georgia.*

9 (5) *The district of Maryland.*

10 (6) *The district of New Jersey.*

11 (7) *The northern district of New York.*

12 (8) *The southern district of New York.*

13 (9) *The eastern district of North Carolina.*

14 (10) *The middle district of Pennsylvania.*

15 (11) *The western district of Tennessee.*

16 (12) *The eastern district of Virginia.*

17 (13) *The district of Nevada.*

18 (b) *CONVERSION OF CERTAIN TEMPORARY OFFICES*

19 *ESTABLISHED BY PUBLIC LAW 102–361.—The temporary*
 20 *offices of bankruptcy judges established by section 3(a) of*
 21 *Public Law 102–361 (28 U.S.C. 152 note) for the following*
 22 *districts are hereby converted so as to be included in the*
 23 *permanent offices of bankruptcy judges that are added by*
 24 *the amendments made by section 202 with respect to the*
 25 *corresponding districts:*

1 (1) *The district of Delaware.*

2 (2) *The district of New Hampshire.*

3 (3) *The eastern district of Tennessee.*

4 **SEC. 204. EXTENSION OF CERTAIN TEMPORARY OFFICES OF**
 5 **BANKRUPTCY JUDGES ESTABLISHED BY PUB-**
 6 **LIC LAW 109–8.**

7 (a) *EXTENSIONS.*—*The temporary offices of bank-*
 8 *ruptcy judges established for the eastern district of Pennsyl-*
 9 *vania and the middle district of North Carolina by section*
 10 *1223(b)(1) of Public Law 109–8 (28 U.S.C. 152 note) are*
 11 *extended until the 1st vacancy occurring in the office of a*
 12 *bankruptcy judge in the respective district resulting from*
 13 *the death, retirement, resignation, or removal of a bank-*
 14 *ruptcy judge and occurring 5 years or more after the date*
 15 *of the enactment of this Act.*

16 (b) *APPLICABILITY OF OTHER PROVISIONS.*—*Except*
 17 *as provided in subsection (a), all other provisions of section*
 18 *1223(b) of Public Law 109–8 (28 U.S.C. 152 note) remain*
 19 *applicable to the temporary offices of bankruptcy judges re-*
 20 *ferred to in subsection (a).*

21 **SEC. 205. PAYGO OFFSET.**

22 (a) *BANKRUPTCY FILING FEES.*—*Section 1930(a) of*
 23 *title 28, United States Code, is amended—*

24 (1) *in paragraph (1)—*

1 (A) in subparagraph (A) by striking
2 “\$245” and inserting “\$246”; and

3 (B) in subparagraph (B) by striking
4 “\$235” and inserting “\$236”; and

5 (2) in paragraph (3) by striking “\$1,000” and
6 inserting “\$1,050”.

7 (b) UNITED STATES TRUSTEE FUND.—Section
8 589a(b) of title 28, United States Code, is amended—

9 (1) in paragraph (1)—

10 (A) in subparagraph (A) by striking
11 “40.46” and inserting “40.28”; and

12 (B) in subparagraph (B) by striking
13 “28.33” and inserting “28.15”; and

14 (2) in paragraph (2) by striking “55” and in-
15 serting “52.38”.

16 (c) COLLECTION AND DEPOSITION OF MISCELLANEOUS
17 BANKRUPTCY FEES.—Section 406(b) of the Judiciary Ap-
18 propriations Act, 1990 (Public Law 101–162; 28 U.S.C.
19 1931 note) is amended—

20 (1) by striking “28.87” and inserting “28.74”;

21 (2) by striking “35.00” and inserting “34.77”;

22 and

23 (3) by striking “25” and inserting “23.81”.

1 **SEC. 206. EFFECTIVE DATES.**

2 (a) *GENERAL EFFECTIVE DATE.*—*Except as provided*
3 *in subsection (b), this title and the amendments made by*
4 *this title shall take effect on the date of the enactment of*
5 *this Act.*

6 (b) *SPECIAL EFFECTIVE DATE.*—*The amendments*
7 *made by section 205 shall take effect 180 days after the date*
8 *of the enactment of this Act.*

Amend the title so as to read: “An Act to create and extend certain temporary district court judgeships and authorize the appointment of additional bankruptcy judges, and for other purposes.”.

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A BILL

To create and extend certain temporary district
court judgeships.

JULY 21, 2010

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title