

which businesses might abuse to consumers' detriment. Instead, it requires that consumers proactively choose to share their movie preferences with their friends. For this reason, the Future of Privacy Forum, a consumer advocacy group, supports this legislation.

This update ensures that consumers can use existing social media outlets to discuss movies they have watched. It may also contribute to the health of the movie industry by integrating it more fully into new modes of internet communications used by consumers.

I applaud my colleague from Virginia, Mr. GOODLATTE, for his work on this legislation and urge my colleagues to support it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 2471, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WATT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### TEMPORARY BANKRUPTCY JUDGESHIP EXTENSION ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1021) to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1021

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Temporary Bankruptcy Judgeships Extension Act of 2011".

#### SEC. 2. EXTENSION OF TEMPORARY OFFICE OF BANKRUPTCY JUDGES IN CERTAIN JUDICIAL DISTRICTS.

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

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

- (A) The central district of California.
- (B) The eastern district of California.
- (C) The district of Delaware.
- (D) The southern district of Florida.
- (E) The southern district of Georgia.
- (F) The district of Maryland.
- (G) The eastern district of Michigan.
- (H) The district of New Jersey.
- (I) The northern district of New York.
- (J) The southern district of New York.
- (K) The eastern district of North Carolina.
- (L) The eastern district of Pennsylvania.
- (M) The middle district of Pennsylvania.
- (N) The district of Puerto Rico.
- (O) The district of South Carolina.
- (P) The western district of Tennessee.
- (Q) The eastern district of Virginia.

(R) The district of Nevada.

(2) VACANCIES.—

(A) SINGLE VACANCIES.—Except as provided in subparagraphs (B), (C), (D), and (E), the 1st vacancy in the office of a bankruptcy judge for each district specified in paragraph (1)—

(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.

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

(i) occurring 5 years or more 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.

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

(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.

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

(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.

(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 of a bankruptcy judge for the respective district occurs.

(2) VACANCIES.—

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

(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.

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

(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.

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

(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 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and section 1223(c) 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).

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

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

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

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

(B) 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 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to the temporary office of the bankruptcy judge referred to in paragraph (1).

#### SEC. 3. BANKRUPTCY FILING FEE.

(a) BANKRUPTCY FILING FEE.—Section 1930(a)(3) of title 28, United States Code, is amended by striking "\$1,000" and inserting "\$1,042".

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

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1021, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

One of the results of a slack economy is that more individuals and businesses have filed for bankruptcy. In fact, over the past 3 years, the number of bankruptcy petitions filed in bankruptcy courts has doubled. While recent data show that the volume of cases is beginning to subside, our bankruptcy judges remain hard at work.

Bankruptcy judges are critical to the operation of our Federal bankruptcy courts. The important bankruptcy reforms Congress passed in 2005, for example, called on judges to do more to help prevent bankruptcy abuse; and large, complex chapter 11 cases, like the recently filed mega-case of American Airline, are time intensive for our bankruptcy judges.

In the last Congress, the Judiciary Committee reported a bankruptcy judgeships bill that would have created new permanent judgeships, converted temporary judgeships to permanent status, and extended temporary judgeships. The House passed that bill, but it did not pass the Senate.

As a result, several temporary judgeships are in danger of being unable to be refilled if there is a vacancy. But the need for bankruptcy judges remains high.

I introduced the legislation under consideration with the ranking member of the Courts, Commercial and Administrative Law Subcommittee of the Judiciary Committee, STEVE COHEN, the chairman of that subcommittee, HOWARD COBLE, and the ranking member of the full Judiciary Committee, JOHN CONYERS.

This bill permits 23 temporary bankruptcy judgeships in judicial districts throughout the country to be filled if there is a judgeship vacancy in those districts during the next 5 years as a result of a judge's death, removal, retirement, or resignation.

Congress should ensure there are enough bankruptcy judges to handle the increased caseloads as a result of the recession; but Congress should also conserve Federal resources and conduct periodic oversight of judicial caseloads. H.R. 1021 authorizes a 5-year extension, which preserves Congress's ability to reassess the need for bankruptcy judges in a few years.

Time is of the essence. I urge the Senate also to act quickly on this measure so that our bankruptcy system may continue to operate with speed and efficiency.

I want to thank the bill's cosponsors for their bipartisan support.

One of the results of the slack economy is that more individuals and businesses have filed for bankruptcy. In fact, over the past three years, the number of bankruptcy petitions filed in bankruptcy courts has doubled. While recent data show that the volume of cases is beginning to subside, our bankruptcy judges remain hard at work.

Bankruptcy judges are critical to the operation of our federal bankruptcy courts. The im-

portant bankruptcy reforms Congress passed in 2005, for example, called on judges to do more to help prevent bankruptcy abuse. And large, complex chapter 11 cases, like the recently filed mega-case of American Airlines, are time-intensive for our bankruptcy judges.

However, no new bankruptcy judgeships have been created since 2005. At that time, Congress created temporary judgeships so that it could periodically review the caseloads in each district and assess whether the temporary judgeship was still needed. Permanent judgeships have not been authorized since 1992.

Every two years, the Judicial Conference of the United States publishes a report to Congress that details the judicial needs of each district. The Conference evaluates need based on a "weighted caseload" analysis. The 2011 weighted caseload statistics demonstrate that judges are desperately needed in many districts.

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The relief a debtor receives from the bankruptcy system is extraordinary; they either reorganize their debts on more favorable terms or they get a complete discharge of all their prepetition debts. All except the poorest of debtors pay a fee to file a bankruptcy case and receive these benefits.

I believe it is fair to use debtors' filing fees to pay for the costs associated with our bankruptcy judges. This legislation, as amended, raises the filing fee on chapter 11 reorganization cases from \$1000 to \$1042—a modest 4 percent increase. As a result, this bill does not increase direct spending by the federal government.

Time is of the essence. I urge the Senate also to act quickly on this measure so that our bankruptcy system may continue to operate with speed and efficiency.

I thank the bill's cosponsors for their bipartisan support.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, December 5, 2011.

Hon. LAMAR SMITH,  
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SMITH: I am writing concerning H.R. 1021, as amended, the "Temporary Bankruptcy Judgeships Extension Act of 2011," which is scheduled for Floor consideration the week of December 5, 2011.

As you know, the Committee on Ways and Means maintains jurisdiction over revenue measures generally. H.R. 1021, as amended, contains a provision that raises revenue by increasing the Chapter 11 filing fees for the operation and maintenance of the courts of the United States, which falls within the jurisdiction of the Committee on Ways and Means. In order to expedite this bill for Floor consideration, the Committee will forgo action on the bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1021, as amended, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, December 5, 2011.

Hon. DAVE CAMP,  
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN CAMP: Thank you for your letter regarding H.R. 1021, the "Temporary Bankruptcy Judgeships Extension Act of 2011," as amended, which is scheduled for consideration by the House during the week of December 5.

I am most appreciative of your decision to forego consideration of H.R. 1021, as amended, so that it may move expeditiously to the House floor. I acknowledge that although you are waiving formal consideration of the bill, the Committee on Ways and Means is in no way waiving its jurisdiction over the subject matter contained in the bill. In addition, if a conference is necessary on this legislation, I will support any request that Ways and Means be represented therein.

Finally, I shall be pleased to include this letter and your letter of the same date in the Congressional Record during floor consideration of H.R. 1021.

Sincerely,

LAMAR SMITH,  
Chairman.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the excellent description of the chairman, LAMAR SMITH, on H.R. 1021, the Temporary Bankruptcy Judgeships Extension Act. This is a very bipartisan piece of legislation, extending by 5 years the authorizations for 30 temporary bankruptcy judges in more than 20 judicial districts around the country.

I might point out that we're not adding bankruptcy judges; and, Members of the House, that's what we ought to be doing, really, instead of just continuing the same number. We need

more. Why? Because bankruptcy judges are needed more than ever.

The bankruptcy filings have increased during the worst economic downturn the Nation has experienced since the Great Depression because long-term high unemployment rates and reduced incomes have sent more people into the bankruptcy court, because of the continuing mortgage foreclosure crisis which has affected so many people, and the increasingly onerous credit card obligations, and the sky-high student loans that are being collected on, and the uninsured medical debt.

□ 1530

Last year 1.6 million bankruptcy cases were filed, representing a more than 8 percent increase over the prior years. Two of the Nation's largest automobile manufacturers in Detroit, General Motors and Chrysler, filed for bankruptcy relief under chapter 11. These two cases alone involved billions of dollars, tens of thousands of workers, thousands of auto dealers, and thousands of creditors located in all parts of our Nation. Just last month, American Airlines filed for chapter 11 bankruptcy relief, and the national bookstore chain Borders filed last month.

A third factor must be kept in mind: that while we maintain the status quo, more needs to be done. Bankruptcy courts have been performing admirably but under critical strain. So while the bankruptcy courts' workload increases, judicial resources are, in fact, diminishing. And that's why we're authorizing new judicial membership in the bankruptcy courts in the coming year, if everything works out as we anticipate.

Right now, though, we merely ask the House of Representatives to support the bill that I and Chairman SMITH have cosponsored which would maintain the new judges that are on the bench but will not add any more.

I urge your support for the additional judgeships.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. I yield such time as he may consume to the distinguished gentleman from Georgia, Mr. HANK JOHNSON, a member of the committee.

Mr. JOHNSON of Georgia. I thank the ranking member.

Mr. Speaker, I rise in support of H.R. 1021, the Temporary Bankruptcy Judgeships Extension Act of 2011, sponsored by my good friend Representative SMITH of Texas, who is also the chair of the Judiciary Committee, which I am pleased to serve on.

I would point out how ironic it is because we are now in the 336th day of this reign of the Tea Party Republican Party, which is unalterably linked with the notorious Grover Norquist and his tax pledge, his pledge to not raise taxes. We're getting ready, Mr. Speaker, to get to the end of this year, and

we still have 160 million Americans at risk of suffering a tax increase, \$1,000 a person on average. I don't know how many millions of dollars that would take out of consumers' pockets. And I don't hear Grover Norquist or the Tea Party Republicans crying about that. If it's the middle class, the working people tax increase, it's okay. If it is the top 1 percent making over a million bucks a year, then "you can't touch this." Well, I think the American people know that it's "hammer time" out here. It's time for there to be justice and fairness for all under the law. And it's ironic we need these bankruptcy court judges' tenures to be extended, as this Act would allow, because there's going to be more bankruptcies filed.

Just \$1,000 can push a person over the edge in terms of their solvency. People are now just living paycheck to paycheck, hand-to-mouth, trying to determine whether or not we're going to pay the light bill or whether or not we're going to get the medication that we need in order to be healthy. People are deciding whether or not to pay the gas bill or whether or not they're going to be able to eat more than ramen noodles every night for the month. So \$1,000 means a lot. It may not mean a lot to a millionaire, one of those top 1 percent that my Tea Party Republican friends so heartily support, but it will hurt the little man and woman and their families, especially at Christmas time.

At a time when the corporate chiefs are getting their bonuses, multi-million-dollar bonuses based on increased profits, we're still left on December 6 with people being worried about whether or not they're going to suffer a tax increase on January 1. So let's not impose an average \$1,000—actually, \$1,500; let's not impose the threat of a \$1,500 tax increase on the middle class and working people by failing to do what we should have done much earlier. There's no reason why we have not done this, why we have not expanded the payroll tax cut that was enacted last year. Let's keep that \$1,500 in the pockets of the average middle class family. Let's try to keep down the need for people to go into bankruptcy court. Let's at some point let it expire, the number of bankruptcy court judges temporarily serving.

Mr. CONYERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1021, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order: ordering the previous question on House Resolution 479; adopting House Resolution 479, if ordered; and suspending the rules and passing H.R. 2471.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## PROVIDING FOR CONSIDERATION OF H.R. 10, REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2011, AND FOR OTHER PURPOSES

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 479) providing for consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 236, nays 184, not voting 13, as follows:

[Roll No. 889]

YEAS—236

Adams	Coffman (CO)	Gosar
Aderholt	Cole	Gowdy
Amash	Conaway	Granger
Amodei	Cravaack	Graves (GA)
Austria	Crawford	Graves (MO)
Bachus	Crenshaw	Griffin (AR)
Barletta	Culberson	Griffith (VA)
Bartlett	Davis (KY)	Grimm
Barton (TX)	Denham	Guinta
Bass (NH)	Dent	Guthrie
Benishke	DesJarlais	Hall
Berg	Diaz-Balart	Hanna
Biggert	Dold	Harper
Bilbray	Dreier	Harris
Bilirakis	Duffy	Hartzler
Bishop (UT)	Duncan (SC)	Hastings (WA)
Black	Duncan (TN)	Hayworth
Blackburn	Ellmers	Heck
Bonner	Emerson	Hensarling
Bono Mack	Farenthold	Herger
Boustany	Fincher	Herrera Beutler
Brady (TX)	Fitzpatrick	Huelskamp
Brooks	Flake	Huizenga (MI)
Broun (GA)	Fleischmann	Hultgren
Buchanan	Fleming	Hunter
Bucshon	Flores	Hurt
Buerkle	Forbes	Issa
Burgess	Fortenberry	Jenkins
Burton (IN)	Fox	Johnson (IL)
Calvert	Franks (AZ)	Johnson (OH)
Camp	Frelinghuysen	Johnson, Sam
Campbell	Gallegly	Jones
Canseco	Gardner	Jordan
Cantor	Garrett	Kelly
Capito	Gerlach	King (IA)
Carter	Gibbs	King (NY)
Cassidy	Gibson	Kingston
Chabot	Gingrey (GA)	Kinzing (IL)
Chaffetz	Gohmert	Kline
Coble	Goodlatte	Labrador