

from districts within the circuit, to hear and determine, upon the consent of all the parties, appeals under subsection (a) of this section.”

Subsec. (b)(2). Pub. L. 103-394, §104(c)(3), added par. (2). Former par. (2) redesignated (4).

Subsec. (b)(3). Pub. L. 103-394, §104(c)(1), (3), added par. (3) and struck out former par. (3) which read as follows: “No appeal may be referred to a panel under this subsection unless the district judges for the district, by majority vote, authorize such referral of appeals originating within the district.”

Subsec. (b)(4). Pub. L. 103-394, §104(c)(1), (2), redesignated par. (2) as (4) and struck out former par. (4) which read as follows: “A panel established under this section shall consist of three bankruptcy judges, provided a bankruptcy judge may not hear an appeal originating within a district for which the judge is appointed or designated under section 152 of this title.”

Subsec. (b)(5), (6). Pub. L. 103-394, §104(c)(4), added pars. (5) and (6).

Subsec. (c). Pub. L. 103-394, §104(d), designated existing provisions as par. (2) and added par. (1).

1990—Subsec. (b)(2) to (4). Pub. L. 101-650 added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

#### EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-8 effective 180 days after Apr. 20, 2005, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before such effective date, except as otherwise provided, see section 1501 of Pub. L. 109-8, set out as a note under section 101 of Title 11.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-394 effective Oct. 22, 1994, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before Oct. 22, 1994, see section 702 of Pub. L. 103-394, set out as a note under section 101 of Title 11.

#### PROCEDURAL RULES

Pub. L. 109-8, title XII, §1233(b), Apr. 20, 2005, 119 Stat. 203, provided that:

“(1) TEMPORARY APPLICATION.—A provision of this subsection shall apply to appeals under section 158(d)(2) of title 28, United States Code, until a rule of practice and procedure relating to such provision and such appeals is promulgated or amended under chapter 131 of such title.

“(2) CERTIFICATION.—A district court, a bankruptcy court, or a bankruptcy appellate panel may make a certification under section 158(d)(2) of title 28, United States Code, only with respect to matters pending in the respective bankruptcy court, district court, or bankruptcy appellate panel.

“(3) PROCEDURE.—Subject to any other provision of this subsection, an appeal authorized by the court of appeals under section 158(d)(2)(A) of title 28, United States Code, shall be taken in the manner prescribed in subdivisions (a)(1), (b), (c), and (d) of rule 5 of the Federal Rules of Appellate Procedure. For purposes of subdivision (a)(1) of rule 5—

“(A) a reference in such subdivision to a district court shall be deemed to include a reference to a bankruptcy court and a bankruptcy appellate panel, as appropriate; and

“(B) a reference in such subdivision to the parties requesting permission to appeal to be served with the petition shall be deemed to include a reference to the parties to the judgment, order, or decree from which the appeal is taken.

“(4) FILING OF PETITION WITH ATTACHMENT.—A petition requesting permission to appeal, that is based on a certification made under subparagraph (A) or (B) of section 158(d)(2) shall—

“(A) be filed with the circuit clerk not later than 10 days after the certification is entered on the docket of the bankruptcy court, the district court, or the

bankruptcy appellate panel from which the appeal is taken; and

“(B) have attached a copy of such certification.

“(5) REFERENCES IN RULE 5.—For purposes of rule 5 of the Federal Rules of Appellate Procedure—

“(A) a reference in such rule to a district court shall be deemed to include a reference to a bankruptcy court and to a bankruptcy appellate panel; and

“(B) a reference in such rule to a district clerk shall be deemed to include a reference to a clerk of a bankruptcy court and to a clerk of a bankruptcy appellate panel.

“(6) APPLICATION OF RULES.—The Federal Rules of Appellate Procedure shall apply in the courts of appeals with respect to appeals authorized under section 158(d)(2)(A), to the extent relevant and as if such appeals were taken from final judgments, orders, or decrees of the district courts or bankruptcy appellate panels exercising appellate jurisdiction under subsection (a) or (b) of section 158 of title 28, United States Code.”

#### § 159. Bankruptcy statistics

(a) The clerk of the district court, or the clerk of the bankruptcy court if one is certified pursuant to section 156(b) of this title, shall collect statistics regarding debtors who are individuals with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be in a standardized format prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the “Director”).

(b) The Director shall—

(1) compile the statistics referred to in subsection (a);

(2) make the statistics available to the public; and

(3) not later than July 1, 2008, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

(c) The compilation required under subsection (b) shall—

(1) be itemized, by chapter, with respect to title 11;

(2) be presented in the aggregate and for each district; and

(3) include information concerning—

(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed pursuant to section 2075 of this title and filed by debtors;

(B) the current monthly income, average income, and average expenses of debtors as reported on the schedules and statements that each such debtor files under sections 521 and 1322 of title 11;

(C) the aggregate amount of debt discharged in cases filed during the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

(D) the average period of time between the date of the filing of the petition and the closing of the case for cases closed during the reporting period;

(E) for cases closed during the reporting period—

(i) the number of cases in which a reaffirmation agreement was filed; and

(ii)(I) the total number of reaffirmation agreements filed;

(II) of those cases in which a reaffirmation agreement was filed, the number of cases in which the debtor was not represented by an attorney; and

(III) of those cases in which a reaffirmation agreement was filed, the number of cases in which the reaffirmation agreement was approved by the court;

(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

(II) the number of final orders entered determining the value of property securing a claim;

(ii) the number of cases dismissed, the number of cases dismissed for failure to make payments under the plan, the number of cases refiled after dismissal, and the number of cases in which the plan was completed, separately itemized with respect to the number of modifications made before completion of the plan, if any; and

(iii) the number of cases in which the debtor filed another case during the 6-year period preceding the filing;

(G) the number of cases in which creditors were fined for misconduct and any amount of punitive damages awarded by the court for creditor misconduct; and

(H) the number of cases in which sanctions under rule 9011 of the Federal Rules of Bankruptcy Procedure were imposed against debtor's attorney or damages awarded under such Rule.

(Added Pub. L. 109-8, title VI, §601(a), Apr. 20, 2005, 119 Stat. 119.)

#### REFERENCES IN TEXT

The Federal Rules of Bankruptcy Procedure, referred to in subsec. (c)(3)(H), are set out in the Appendix to Title 11, Bankruptcy.

#### EFFECTIVE DATE

Pub. L. 109-8, title VI, §601(c), Apr. 20, 2005, 119 Stat. 120, provided that: "The amendments made by this section [enacting this section] shall take effect 18 months after the date of enactment of this Act [Apr. 20, 2005]."

### CHAPTER 7—UNITED STATES COURT OF FEDERAL CLAIMS

Sec. 171.	Appointment and number of judges; character of court; designation of chief judge.
172.	Tenure and salaries of judges.
173.	Times and places of holding court.
174.	Assignment of judges; decisions.
175.	Official duty station; residence.
176.	Removal from office.
177.	Disbarment of removed judges.
178.	Retirement of judges of the Court of Federal Claims.
179.	Personnel application and insurance programs.

Sec.  
[180. Repealed.]

#### AMENDMENTS

2000—Pub. L. 106-518, title III, §309(b), Nov. 13, 2000, 114 Stat. 2420, substituted "Personnel application and insurance programs" for "Insurance and annuities programs" in item 179.

Pub. L. 106-398, §1 [[div. A], title VI, §654(b)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-165, struck out item 180 "Military retirement pay for retired judges".

1992—Pub. L. 102-572, title IX, §§902(a), 903(b), Oct. 29, 1992, 106 Stat. 4516, 4517, substituted "UNITED STATES COURT OF FEDERAL CLAIMS" for "UNITED STATES CLAIMS COURT" as chapter heading, substituted "Court of Federal Claims" for "Claims Court" in item 178, and added items 179 and 180.

1990—Pub. L. 101-650, title III, §306(a)(2), Dec. 1, 1990, 104 Stat. 5109, added item 178.

1982—Pub. L. 97-164, title I, §105(a), Apr. 2, 1982, 96 Stat. 26, substituted "UNITED STATES CLAIMS COURT" for "COURT OF CLAIMS" as chapter heading, inserted "; designation of chief judge" in item 171, substituted "Tenure and salaries of judges" for "Precedence of judges" in item 172, substituted "Times and places of holding court" for "Tenure and salaries of judges" in item 173, substituted "Assignment of judges; decisions" for "Terms" in item 174, substituted "Official duty station; residence" for "Assignment of judges; divisions; hearings; quorum; decisions" in item 175, and added items 176 and 177.

1966—Pub. L. 89-425, §3, May 11, 1966, 80 Stat. 140, substituted "Assignment of judges; divisions; hearings; quorum; decisions" for "Quorum" in item 175.

1954—Act Sept. 3, 1954, ch. 1263, §38, 68 Stat. 1240, inserted "; character of court" in item 171.

#### § 171. Appointment and number of judges; character of court; designation of chief judge

(a) The President shall appoint, by and with the advice and consent of the Senate, sixteen judges who shall constitute a court of record known as the United States Court of Federal Claims. The court is declared to be a court established under article I of the Constitution of the United States.

(b) The President shall designate one of the judges of the Court of Federal Claims who is less than seventy years of age to serve as chief judge. The chief judge may continue to serve as such until he reaches the age of seventy years or until another judge is designated as chief judge by the President. After the designation of another judge to serve as chief judge, the former chief judge may continue to serve as a judge of the court for the balance of the term to which appointed.

(June 25, 1948, ch. 646, 62 Stat. 898; July 28, 1953, ch. 253, §1, 67 Stat. 226; Sept. 3, 1954, ch. 1263, §39(a), 68 Stat. 1240; Pub. L. 89-425, §1(b), May 11, 1966, 80 Stat. 140; Pub. L. 97-164, title I, §105(a), Apr. 2, 1982, 96 Stat. 27; Pub. L. 102-572, title IX, §902(a), Oct. 29, 1992, 106 Stat. 4516.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed. §241 (Mar. 3, 1911, ch. 231, §136, 36 Stat. 1135; Feb. 25, 1919, ch. 29, §4, 40 Stat. 1157; Dec. 13, 1926, ch. 6, §1 44 Stat. 919).

This section contains a part of section 241 of title 28, U.S.C., 1940 ed. The remainder of such section, relating to tenure, salaries and oath, is incorporated in sections 173 and 453 of this title.

The term "chief judge" was substituted for "Chief Justice." (See reviser's note under section 136 of this title.)