

112TH CONGRESS
1ST SESSION

H. R. 1021

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2011

Mr. SMITH of Texas (for himself, Mr. COHEN, Mr. COBLE, and Mr. CONYERS)
introduced the following bill; which was referred to the Committee on the
Judiciary

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 Bank-
5 ruptcy Judgeships Extension Act of 2011”.

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

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

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

7 (A) The eastern district of California.

8 (B) The district of Delaware.

9 (C) The southern district of Florida.

10 (D) The southern district of Georgia.

11 (E) The district of Maryland.

12 (F) The district of New Jersey.

13 (G) The northern district of New York.

14 (H) The southern district of New York.

15 (I) The eastern district of North Carolina.

16 (J) The eastern district of Pennsylvania.

17 (K) The middle district of Pennsylvania.

18 (L) The western district of Tennessee.

19 (M) The eastern district of Virginia.

20 (N) The district of Nevada.

21 (2) VACANCIES.—

22 (A) SINGLE VACANCIES.—Except as pro-
23 vided in subparagraphs (B), (C), and (D), the
24 1st vacancy in the office of a bankruptcy judge
25 for each district specified in paragraph (1)—

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 (B) DISTRICT OF DELAWARE.—The 1st,
8 2d, 3d, and 4th vacancies in the office of a
9 bankruptcy judge for the district of Delaware—

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

20 (i) occurring more than 5 years after
21 the 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 (D) DISTRICT OF MARYLAND.—The 1st,
2 2d, and 3d vacancies in the office of a bank-
3 ruptcy judge for the district of Maryland—

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 (3) APPLICABILITY OF OTHER PROVISIONS.—

11 Except as provided in paragraphs (1) and (2), all
12 other provisions of section 1223(b) of Public Law
13 109–8 (28 U.S.C. 152 note) remain applicable to the
14 temporary office of bankruptcy judges referred to in
15 paragraph (1).

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

18 (1) EXTENSIONS.—The temporary office of
19 bankruptcy judges authorized by section 3 of the
20 Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152
21 note) and extended by section 1223(c) of Public Law
22 109–8 (28 U.S.C. 152 note) for the district of Dela-
23 ware and the eastern district of Tennessee are ex-
24 tended until the applicable vacancy specified in para-

1 graph (2) in the office of a bankruptcy judge for the
2 respective district occurs.

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) EASTERN DISTRICT OF TENNESSEE.—

14 The 1st vacancy in the office of a bankruptcy
15 judge for the eastern district of Tennessee—

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 (3) APPLICABILITY OF OTHER PROVISIONS.—

23 Except as provided in paragraphs (1) and (2), all
24 other provisions of section 3 of the Bankruptcy
25 Judgeship Act of 1992 (28 U.S.C. 152 note) and

1 section 1223(c) of Public Law 109–8 (28 U.S.C.
2 152 note) remain applicable to the temporary office
3 of bankruptcy judges referred to in paragraph (1).

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

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

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

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

18 (B) resulting from the death, retirement,
19 resignation, or removal of a bankruptcy judge,
20 shall not be filled.

21 (3) APPLICABILITY OF OTHER PROVISIONS.—
22 Except as provided in paragraphs (1) and (2), all
23 other provisions of section 3 of the Bankruptcy
24 Judgeship Act of 1992 (28 U.S.C. 152 note) remain

- 1 applicable to the temporary office of the bankruptcy
- 2 judge referred to in paragraph (1).

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