

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H.R. 1596

---

IN THE SENATE OF THE UNITED STATES

JULY 29, 1997

Received; read twice and referred to the Committee on the Judiciary

---

## AN ACT

To amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes.

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 “Bankruptcy Judgeship  
3 Act of 1997”.

4 **SEC. 2. PERMANENT JUDGESHIPS.**

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

7 (1) in the item relating to the central district  
8 of California, by striking “21” and inserting “25”;

9 (2) in the item relating to the district of Mary-  
10 land, by striking “4” and inserting “5”;

11 (3) in the item relating to the district of New  
12 Jersey, by striking “8” and inserting “9”; and

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

15 **SEC. 3. TEMPORARY JUDGESHIPS.**

16 (a) APPOINTMENTS.—The following judgeship posi-  
17 tions shall be filled in the manner prescribed in section  
18 152(a)(1) of title 28, United States Code, for the appoint-  
19 ment of bankruptcy judges provided for in section  
20 152(a)(2) of such title:

21 (1) one additional bankruptcy judgeship for the  
22 eastern district of California.

23 (2) one additional bankruptcy judgeship for the  
24 southern district of Florida.

25 (3) one additional bankruptcy judgeship for the  
26 district of Maryland.

1           (4) one additional bankruptcy judgeship for the  
2 eastern district of Michigan.

3           (5) one additional bankruptcy judgeship for the  
4 southern district of Mississippi.

5           (6) one additional bankruptcy judgeship for the  
6 eastern district of New York.

7           (7) one additional bankruptcy judgeship for the  
8 northern district of New York.

9           (8) one additional bankruptcy judgeship for the  
10 southern district of New York.

11           (9) one additional bankruptcy judgeship for the  
12 eastern district of Pennsylvania.

13           (10) one additional bankruptcy judgeship for  
14 the middle district of Pennsylvania.

15           (11) one additional bankruptcy judgeship for  
16 the eastern district of Virginia.

17       (b) VACANCIES.—The first vacancy occurring in the  
18 office of a bankruptcy judge in each of the judicial dis-  
19 tricts set forth in subsection (a) which—

20           (1) results from the death, retirement, resigna-  
21 tion, or removal of a bankruptcy judge, and

22           (2) occurs 5 years or more after the appoint-  
23 ment date of a judge appointed under subsection (a),  
24 shall not be filled.

1 **SEC. 4. EXTENSION.**

2       The temporary bankruptcy judgeship position author-  
3 ized for the district of Delaware by section 3(a)(3) of the  
4 Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note)  
5 is extended until the first vacancy occurring in the office  
6 of a bankruptcy judge in that district resulting from the  
7 death, retirement, resignation, or removal of a bankruptcy  
8 judge and occurring 10 years or more after October 28,  
9 1993. All other provisions of section 3 of the Bankruptcy  
10 Judgeship Act of 1992 remain applicable to such tem-  
11 porary judgeship position.

12 **SEC. 5. TECHNICAL AMENDMENT.**

13       The first sentence of section 152(a)(1) of title 28,  
14 United States Code, is amended to read as follows: “Each  
15 bankruptcy judge to be appointed for a judicial district  
16 as provided in paragraph (2) shall be appointed by the  
17 United States court of appeals for the circuit in which  
18 such district is located.”.

Passed the House of Representatives July 28, 1997.

Attest:

ROBIN H. CARLE,

*Clerk.*