

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3074

To provide bankruptcy judgeships.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 8, 2002

Mr. BIDEN (for himself, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. CARPER, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide bankruptcy 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. SHORT TITLE.**

4       This Act may be cited as the “Bankruptcy Judgeship  
5       Act of 2002”.

6       **SEC. 2. TEMPORARY JUDGESHIPS.**

7       (a) APPOINTMENTS.—The following bankruptcy  
8       judges shall be appointed in the manner prescribed in sec-  
9       tion 152(a)(1) of title 28, United States Code, for the ap-  
10      pointment of bankruptcy judges provided for in section  
11      152(a)(2) of such title:

1           (1) One additional bankruptcy judge for the  
2 eastern district of California.

3           (2) Three additional bankruptcy judges for the  
4 central district of California.

5           (3) Four additional bankruptcy judges for the  
6 district of Delaware.

7           (4) Two additional bankruptcy judges for the  
8 southern district of Florida.

9           (5) One additional bankruptcy judge for the  
10 southern district of Georgia.

11           (6) Three additional bankruptcy judges for the  
12 district of Maryland.

13           (7) One additional bankruptcy judge for the  
14 eastern district of Michigan.

15           (8) One additional bankruptcy judge for the  
16 southern district of Mississippi.

17           (9) One additional bankruptcy judge for the  
18 district of New Jersey.

19           (10) One additional bankruptcy judge for the  
20 eastern district of New York.

21           (11) One additional bankruptcy judge for the  
22 northern district of New York.

23           (12) One additional bankruptcy judge for the  
24 southern district of New York.

1           (13) One additional bankruptcy judge for the  
2 eastern district of North Carolina.

3           (14) One additional bankruptcy judge for the  
4 eastern district of Pennsylvania.

5           (15) One additional bankruptcy judge for the  
6 middle district of Pennsylvania.

7           (16) One additional bankruptcy judge for the  
8 district of Puerto Rico.

9           (17) One additional bankruptcy judge for the  
10 western district of Tennessee.

11           (18) One additional bankruptcy judge for the  
12 eastern district of Virginia.

13           (19) One additional bankruptcy judge for the  
14 district of South Carolina.

15           (20) One additional bankruptcy judge for the  
16 district of Nevada.

17 (b) VACANCIES.—

18           (1) DISTRICTS WITH SINGLE APPOINTMENTS.—

19 Except as provided in paragraphs (2), (3), (4), and  
20 (5), the first vacancy occurring in the office of bank-  
21 ruptcy judge in each of the judicial districts set  
22 forth in subsection (a)—

23           (A) occurring 5 years or more after the ap-  
24 pointment date of the bankruptcy judge ap-  
25 pointed under subsection (a) to such office; and

1 (B) resulting from the death, retirement,  
2 resignation, or removal of a bankruptcy judge;  
3 shall not be filled.

4 (2) CENTRAL DISTRICT OF CALIFORNIA.—The  
5 1st, 2d, and 3d vacancies in the office of bankruptcy  
6 judge in the central district of California—

7 (A) occurring 5 years or more after the re-  
8 spective 1st, 2d, and 3d appointment dates of  
9 the bankruptcy judges appointed under sub-  
10 section (a)(2); and

11 (B) resulting from the death, retirement,  
12 resignation, or removal of a bankruptcy judge;  
13 shall not be filled.

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

17 (A) occurring 5 years or more after the re-  
18 spective 1st, 2d, 3d, and 4th appointment dates  
19 of the bankruptcy judges appointed under sub-  
20 section (a)(3); and

21 (B) resulting from the death, retirement,  
22 resignation, or removal of a bankruptcy judge;  
23 shall not be filled.

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

4                   (A) occurring 5 years or more after the re-  
5                   spective 1st and 2d appointment dates of the  
6                   bankruptcy judges appointed under subsection  
7                   (a)(4); and

8                   (B) resulting from the death, retirement,  
9                   resignation, or removal of a bankruptcy judge;  
10           shall not be filled.

11           (5) DISTRICT OF MARYLAND.—The 1st, 2d, and  
12           3d vacancies in the office of bankruptcy judge in the  
13           district of Maryland—

14                   (A) occurring 5 years or more after the re-  
15                   spective 1st, 2d, and 3d appointment dates of  
16                   the bankruptcy judges appointed under sub-  
17                   section (a)(6); and

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

21 **SEC. 3. EXTENSIONS.**

22           (a) IN GENERAL.—The temporary office of bank-  
23           ruptcy judges authorized for the northern district of Ala-  
24           bama, the district of Delaware, the district of Puerto Rico,  
25           and the eastern district of Tennessee under paragraphs

1 (1), (3), (7), and (9) of section 3(a) of the Bankruptcy  
2 Judgeship Act of 1992 (28 U.S.C. 152 note) are extended  
3 until the first vacancy occurring in the office of a bank-  
4 ruptcy judge in the applicable district resulting from the  
5 death, retirement, resignation, or removal of a bankruptcy  
6 judge and occurring 5 years after the date of the enact-  
7 ment of this Act.

8 (b) APPLICABILITY OF OTHER PROVISIONS.—All  
9 other provisions of section 3 of the Bankruptcy Judgeship  
10 Act of 1992 (28 U.S.C. 152 note) remain applicable to  
11 the temporary office of bankruptcy judges referred to in  
12 this section.

13 **SEC. 4. TECHNICAL AMENDMENTS.**

14 Section 152(a) of title 28, United States Code, is  
15 amended—

16 (1) in paragraph (1), by striking the first sen-  
17 tence and inserting the following: “Each bankruptcy  
18 judge to be appointed for a judicial district, as pro-  
19 vided in paragraph (2), shall be appointed by the  
20 court of appeals of the United States for the circuit  
21 in which such district is located.”; and

22 (2) in paragraph (2)—

23 (A) in the item relating to the middle dis-  
24 trict of Georgia, by striking “2” and inserting  
25 “3”; and

1                   (B) in the collective item relating to the  
2                   middle and southern districts of Georgia, by  
3                   striking “Middle and Southern . . . . . 1”.

4 **SEC. 5. EFFECTIVE DATE.**

5                   The amendments made by this Act shall take effect  
6 on the date of enactment of this Act.

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