

108TH CONGRESS  
1ST SESSION

# S. 1061

To authorize 36 additional bankruptcy judgeships, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 14, 2003

Mr. BIDEN (for himself, Mr. CARPER, Mr. SARBANES, Mr. NELSON of Florida, Mrs. CLINTON, Mr. EDWARDS, Mr. GRAHAM of South Carolina, Mr. HOLLINGS, Mr. LEVIN, Mr. PRYOR, Mr. REID, Mr. CHAMBLISS, Mr. MILLER, Mr. ALEXANDER, and Mr. GRAHAM of Florida) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To authorize 36 additional bankruptcy judgeships, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bankruptcy Judgeship  
5 Act of 2003”.

6 **SEC. 2. AUTHORIZATION FOR ADDITIONAL BANKRUPTCY**  
7 **JUDGESHIPS.**

8 The following judgeship positions shall be filled in the  
9 manner prescribed in section 152(a)(1) of title 28, United

1 States Code, for the appointment of bankruptcy judges  
2 provided for in section 152(a)(2) of such title:

3 (1) Two additional bankruptcy judgeships for  
4 the southern district of New York.

5 (2) Four additional bankruptcy judgeships for  
6 the district of Delaware.

7 (3) One additional bankruptcy judgeship for the  
8 district of New Jersey.

9 (4) One additional bankruptcy judgeship for the  
10 eastern district of Pennsylvania.

11 (5) Three additional bankruptcy judgeships for  
12 the district of Maryland.

13 (6) One additional bankruptcy judgeship for the  
14 eastern district of North Carolina.

15 (7) One additional bankruptcy judgeship for the  
16 district of South Carolina.

17 (8) One additional bankruptcy judgeship for the  
18 eastern district of Virginia.

19 (9) Two additional bankruptcy judgeships for  
20 the eastern district of Michigan.

21 (10) Two additional bankruptcy judgeships for  
22 the western district of Tennessee.

23 (11) One additional bankruptcy judgeship for  
24 the eastern and western districts of Arkansas.

1           (12) Two additional bankruptcy judgeships for  
2           the district of Nevada.

3           (13) One additional bankruptcy judgeship for  
4           the district of Utah.

5           (14) Two additional bankruptcy judgeships for  
6           the middle district of Florida.

7           (15) Two additional bankruptcy judgeships for  
8           the southern district of Florida.

9           (16) Two additional bankruptcy judgeships for  
10          the northern district of Georgia.

11          (17) One additional bankruptcy judgeship for  
12          the southern district of Georgia.

13 **SEC. 3. TEMPORARY BANKRUPTCY JUDGESHIPS.**

14          (a) AUTHORIZATION FOR ADDITIONAL TEMPORARY  
15 BANKRUPTCY JUDGESHIPS.—The following judgeship po-  
16 sitions shall be filled in the manner prescribed in section  
17 152(a)(1) of title 28, United States Code, for the appoint-  
18 ment of bankruptcy judges provided for in section  
19 152(a)(2) of such title:

20           (1) One additional bankruptcy judgeship for the  
21           district of Puerto Rico.

22           (2) One additional bankruptcy judgeship for the  
23           northern district of New York.

24           (3) One additional bankruptcy judgeship for the  
25           middle district of Pennsylvania.

1           (4) One additional bankruptcy judgeship for the  
2       district of Maryland.

3           (5) One additional bankruptcy judgeship for the  
4       northern district of Mississippi.

5           (6) One additional bankruptcy judgeship for the  
6       southern district of Mississippi.

7           (7) One additional bankruptcy judgeship for the  
8       southern district of Georgia.

9       (b) VACANCIES.—

10           (1) IN GENERAL.—The first vacancy occurring  
11       in the office of bankruptcy judge in each of the judi-  
12       cial districts set forth in subsection (a)—

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

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

19           (2) TERM EXPIRATION.—In the case of a va-  
20       cancy resulting from the expiration of the term of a  
21       bankruptcy judge not described in paragraph (1),  
22       that judge shall be eligible for reappointment as a  
23       bankruptcy judge in that district.

24       (c) EXTENSION OF EXISTING TEMPORARY BANK-  
25       RUPTCY JUDGESHIPS.—

1           (1) IN GENERAL.—The temporary bankruptcy  
 2       judgeships authorized for the northern district of  
 3       Alabama and the eastern district of Tennessee under  
 4       paragraphs (1) and (9) of section 3(a) of the Bank-  
 5       ruptcy Judgeship Act of 1992 (28 U.S.C. 152 note)  
 6       are extended until the first vacancy occurring in the  
 7       office of a bankruptcy judge in the applicable dis-  
 8       trict resulting from the death, retirement, resigna-  
 9       tion, or removal of a bankruptcy judge and occur-  
 10      ring 5 years or more after the date of enactment of  
 11      this Act.

12           (2) APPLICABILITY OF OTHER PROVISIONS.—  
 13      All other provisions of section 3 of the Bankruptcy  
 14      Judgeship Act of 1992 (28 U.S.C. 152 note) remain  
 15      applicable to the temporary bankruptcy judgeships  
 16      referred to in this subsection.

17 **SEC. 4. TRANSFER OF BANKRUPTCY JUDGESHIP SHARED**  
 18 **BY THE MIDDLE DISTRICT OF GEORGIA AND**  
 19 **THE SOUTHERN DISTRICT OF GEORGIA.**

20       The bankruptcy judgeship presently shared by the  
 21      southern district of Georgia and the middle district of  
 22      Georgia shall be converted to a bankruptcy judgeship for  
 23      the middle district of Georgia.

1 **SEC. 5. CONVERSION OF EXISTING TEMPORARY BANK-**  
 2 **RUPTCY JUDGESHIPS.**

3 (a) DISTRICT OF DELAWARE.—The temporary bank-  
 4 ruptcy judgeship authorized for the district of Delaware  
 5 pursuant to section 3 of the Bankruptcy Judgeship Act  
 6 of 1992 (28 U.S.C. 152 note), shall be converted to a per-  
 7 manent bankruptcy judgeship.

8 (b) DISTRICT OF PUERTO RICO.—The temporary  
 9 bankruptcy judgeship authorized for the district of Puerto  
 10 Rico pursuant to section 3 of the Bankruptcy Judgeship  
 11 Act of 1992 (28 U.S.C. 152 note), shall be converted to  
 12 a permanent bankruptcy judgeship.

13 **SEC. 6. TECHNICAL AMENDMENTS.**

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

16 (1) in the item relating to the eastern and west-  
 17 ern districts of Arkansas, by striking “3” and insert-  
 18 ing “4”;

19 (2) in the item relating to the district of Dela-  
 20 ware, by striking “1” and inserting “6”;

21 (3) in the item relating to the middle district of  
 22 Florida, by striking “8” and inserting “10”;

23 (4) in the item relating to the southern district  
 24 of Florida, by striking “5” and inserting “7”;

25 (5) in the item relating to the northern district  
 26 of Georgia, by striking “8” and inserting “10”;

1           (6) in the item relating to the middle district of  
2           Georgia, by striking “2” and inserting “3”;

3           (7) in the item relating to the southern district  
4           of Georgia, by striking “2” and inserting “3”;

5           (8) in the collective item relating to the middle  
6           and southern districts of Georgia, by striking “Mid-  
7           dle and Southern . . . . . 1”;

8           (9) in the item relating to the district of Mary-  
9           land, by striking “4” and inserting “7”;

10          (10) in the item relating to the eastern district  
11          of Michigan, by striking “4” and inserting “6”;

12          (11) in the item relating to the district of Ne-  
13          vada, by striking “3” and inserting 5”;

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

16          (13) in the item relating to the southern district  
17          of New York, by striking “9” and inserting “11”;

18          (14) in the item relating to the eastern district  
19          of North Carolina, by striking “2” and inserting  
20          “3”;

21          (15) in the item relating to the eastern district  
22          of Pennsylvania, by striking “5” and inserting “6”;

23          (16) in the item relating to the district of Puer-  
24          to Rico, by striking “2 and inserting “3”;

1           (17) in the item relating to the district of South  
2       Carolina, by striking “2” and inserting “3”;

3           (18) in the item relating to the western district  
4       of Tennessee, by striking “4” and inserting “6”;

5           (19) in the item relating to the district of Utah,  
6       by striking “3” and inserting “4”; and

7           (20) in the item relating to the eastern district  
8       of Virginia, by striking “5” and inserting “6”.

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