

Union Calendar No. 246

111TH CONGRESS
2^D SESSION

H. R. 4506

[Report No. 111-430]

To authorize the appointment of additional bankruptcy judges, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2010

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

MARCH 9, 2010

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bankruptcy Judgeship
5 Act of 2010”.

6 **SEC. 2. ADDITIONAL PERMANENT OFFICES OF BANK-**
7 **RUPTCY JUDGES.**

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

10 (1) in the item relating to the eastern and west-
11 ern districts of Arkansas by striking “3” and insert-
12 ing “4”,

13 (2) in the item relating to the eastern district
14 of California by striking “6” and inserting “8”,

15 (3) in the item relating to the district of Dela-
16 ware by striking “1” and inserting “6”,

17 (4) in the item relating to the middle district of
18 Florida by striking “8” and inserting “9”,

19 (5) in the item relating to the northern district
20 of Florida by striking “1” and inserting “2”,

21 (6) in the item relating to the southern district
22 of Florida by striking “5” and inserting “7”,

23 (7) in the item relating to the northern district
24 of Georgia by striking “8” and inserting “10”,

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

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

5 (10) in the item relating to the eastern district
6 of Michigan by striking “4” and inserting “7”,

7 (11) in the item relating to the northern district
8 of Mississippi by striking “1” and inserting “2”,

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

11 (13) in the item relating to the district of New
12 Hampshire by striking “1” and inserting “2”,

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

15 (15) in the item relating to the northern district
16 of New York by striking “2” and inserting “3”,

17 (16) in the item relating to the southern district
18 of New York by striking “9” and inserting “10”,

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

21 (18) in the item relating to the western district
22 of North Carolina by striking “2” and inserting “3”,

23 (19) in the item relating to the middle district
24 of Pennsylvania by striking “2” and inserting “3”,

1 (20) in the item relating to the eastern district
2 of Tennessee by striking “3” and inserting “4”,

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

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

7 (23) in the item relating to the southern district
8 of West Virginia by striking “1” and inserting “2”.

9 **SEC. 3. CONVERSION OF CERTAIN TEMPORARY OFFICES OF**
10 **BANKRUPTCY JUDGES TO PERMANENT OF-**
11 **FICES.**

12 (a) CONVERSION OF CERTAIN TEMPORARY OFFICES
13 ESTABLISHED BY PUBLIC LAW 109–8.—The temporary
14 offices of bankruptcy judges established by section
15 1223(b)(1) of Public Law 109–8 (28 U.S.C. 152 note) for
16 the following districts are hereby converted so as to be
17 included in the permanent offices of bankruptcy judges
18 that are added by the amendments made by section 2 with
19 respect to the corresponding districts:

20 (1) The eastern district of California.

21 (2) The district of Delaware.

22 (3) The southern district of Florida.

23 (4) The southern district of Georgia.

24 (5) The district of Maryland.

25 (6) The district of New Jersey.

- 1 (7) The northern district of New York.
- 2 (8) The southern district of New York.
- 3 (9) The eastern district of North Carolina.
- 4 (10) The middle district of Pennsylvania.
- 5 (11) The western district of Tennessee.
- 6 (12) The eastern district of Virginia.
- 7 (13) The district of Nevada.

8 (b) CONVERSION OF CERTAIN TEMPORARY OFFICES
9 ESTABLISHED BY PUBLIC LAW 102-361.—The tem-
10 porary offices of bankruptcy judges established by section
11 3(a) of Public Law 102-361 (28 U.S.C. 152 note) for the
12 following districts are hereby converted so as to be in-
13 cluded in the permanent offices of bankruptcy judges that
14 are added by the amendments made by section 2 with re-
15 spect to the corresponding districts:

- 16 (1) The district of Delaware.
- 17 (2) The district of New Hampshire.
- 18 (3) The eastern district of Tennessee.

19 **SEC. 4. EXTENSION OF CERTAIN TEMPORARY OFFICES OF**
20 **BANKRUPTCY JUDGES ESTABLISHED BY PUB-**
21 **LIC LAW 109-8.**

22 (a) EXTENSIONS.—The temporary offices of bank-
23 ruptcy judges established for the eastern district of Penn-
24 sylvania and the middle district of North Carolina by sec-
25 tion 1223(b)(1) of Public Law 109-8 (28 U.S.C. 152

1 note) are extended until the 1st vacancy occurring in the
2 office of a bankruptcy judge in the respective district re-
3 sulting from the death, retirement, resignation, or removal
4 of a bankruptcy judge and occurring 5 years or more after
5 the date of the enactment of this Act.

6 (b) APPLICABILITY OF OTHER PROVISIONS.—Except
7 as provided in subsection (a), all other provisions of sec-
8 tion 1223(b) of Public Law 109–8 (28 U.S.C. 152 note)
9 remain applicable to the temporary offices of bankruptcy
10 judges referred to in paragraph (1) of this subsection.

11 **SEC. 5. PAYGO OFFSET.**

12 (a) BANKRUPTCY FILING FEES.—Section 1930(a) of
13 title 28, United States Code, is amended—

14 (1) in paragraph (1)—

15 (A) in subparagraph (A) by striking
16 “\$245” and inserting “\$246”, and

17 (B) in subparagraph (B) by striking
18 “\$235” and inserting “\$236”, and

19 (2) in paragraph (3) by striking “\$1000” and
20 inserting “\$1042”.

21 (b) UNITED STATES TRUSTEE FUND.—Section
22 589a(b) of title 28, United States Code, is amended—

23 (1) in paragraph (1)—

24 (A) in subparagraph (A) by striking
25 “40.46” and inserting “40.28”, and

1 (B) in subparagraph (B) by striking
2 “28.33” and inserting “28.15”, and
3 (2) in paragraph (2) by striking “55” and in-
4 serting “52.78”.

5 (c) COLLECTION AND DEPOSITION OF MISCELLA-
6 NEOUS BANKRUPTCY FEES.—Section 406(b) of the Judi-
7 ciary Appropriations Act, 1990 (Public Law 101–162; 28
8 U.S.C. 1931 note) is amended—

9 (1) by striking “28.87” and inserting “28.74”,
10 (2) by striking “35” and inserting “34.77”,
11 and

12 (3) by striking “25” and inserting “23.99”.

13 **SEC. 6. EFFECTIVE DATES.**

14 (a) GENERAL EFFECTIVE DATE.—Except as pro-
15 vided in subsection (b), this Act and the amendment made
16 by this Act shall take effect on the date of the enactment
17 of this Act.

18 (b) SPECIAL EFFECTIVE DATE.—The amendments
19 made by section 5 shall take effect 180 days after the date
20 of the enactment of this Act.

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