

115TH CONGRESS
1ST SESSION

S. 1107

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

IN THE SENATE OF THE UNITED STATES

MAY 11, 2017

Mr. COONS (for himself, Ms. STABENOW, Mr. RUBIO, Mr. NELSON, Mr. CARPER, Ms. CORTEZ MASTO, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bankruptcy Judgeship
5 Act of 2017”.

1 **SEC. 2. CONVERSION OF THE TEMPORARY OFFICE OF**
2 **BANKRUPTCY JUDGE TO THE PERMANENT**
3 **OFFICE OF BANKRUPTCY JUDGE IN CERTAIN**
4 **JUDICIAL DISTRICTS.**

5 (a) DISTRICT OF DELAWARE.—

6 (1) The temporary office of 4 bankruptcy
7 judges authorized for the district of Delaware by
8 section 1223(b)(1)(C) of the Bankruptcy Judgeship
9 Act of 2005 (28 U.S.C. 152 note; Public Law 109–
10 8), and extended by section 2(a)(1)(C) of the Tem-
11 porary Bankruptcy Judgeships Extension Act of
12 2012 (28 U.S.C. 152 note; Public Law 112–121), is
13 converted hereby to the permanent office of bank-
14 ruptcy judge, represented in the amendment made
15 by section 3(1) of this Act, and may be filled.

16 (2) The temporary office of bankruptcy judge
17 authorized for the district of Delaware by section
18 3(a)(3) of the Bankruptcy Judgeship Act of 1992
19 (28 U.S.C. 152 note; Public Law 102–361), and ex-
20 tended by section 1223(c)(1) of the Bankruptcy
21 Judgeship Act of 2005 (28 U.S.C. 152 note; Public
22 Law 109–8) and section 2(b)(1) of the Temporary
23 Bankruptcy Judgeships Extension Act of 2012 (28
24 U.S.C. 152 note; Public Law 112–121), is converted
25 hereby to the permanent office of bankruptcy judge,

1 represented in the amendment made by section 3(1)
2 of this Act, and may be filled.

3 (b) SOUTHERN DISTRICT OF FLORIDA.—The tem-
4 porary office of 2 bankruptcy judges authorized for the
5 southern district of Florida by section 1223(b)(1)(D) of
6 the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152
7 note; Public Law 109–8), and extended by section
8 2(a)(1)(D) of the Temporary Bankruptcy Judgeships Ex-
9 tension Act of 2012 (28 U.S.C. 152 note; Public Law
10 112–121), is converted hereby to the permanent office of
11 bankruptcy judge, represented in the amendment made by
12 section 3(3) of this Act, and may be filled.

13 (c) DISTRICT OF MARYLAND.—The temporary office
14 of 1 bankruptcy judge first appointed as authorized for
15 the district of Maryland by section 1223(b)(1)(F) of the
16 Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note;
17 Public Law 109–8), and extended by section 2(a)(1)(F)
18 of the Temporary Bankruptcy Judgeships Extension Act
19 of 2012 (28 U.S.C. 152 note; Public Law 112–121), is
20 converted hereby to the permanent office of bankruptcy
21 judge, represented in the amendment made by section 3(4)
22 of this Act, and may be filled.

23 (d) EASTERN DISTRICT OF MICHIGAN.—The tem-
24 porary office of bankruptcy judge authorized for the east-
25 ern district of Michigan by section 1223(b)(1)(G) of the

1 Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note;
2 Public Law 109–8), and extended by section 2(a)(1)(G)
3 of the Temporary Bankruptcy Judgeships Extension Act
4 of 2012 (28 U.S.C. 152 note; Public Law 112–121), is
5 converted hereby to the permanent office of bankruptcy
6 judge, represented in the amendment made by section 3(5)
7 of this Act, and may be filled.

8 (e) DISTRICT OF NEVADA.—The temporary office of
9 bankruptcy judge authorized for the district of Nevada by
10 section 1223(b)(1)(T) of the Bankruptcy Judgeship Act
11 of 2005 (28 U.S.C. 152 note; Public Law 109–8), and
12 extended by section 2(a)(1)(Q) of the Temporary Bank-
13 ruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152
14 note; Public Law 112–121), is converted hereby to the
15 permanent office of bankruptcy judge, represented in the
16 amendment made by section 3(6) of this Act, and may
17 be filled.

18 (f) EASTERN DISTRICT OF NORTH CAROLINA.—The
19 temporary office of bankruptcy judge authorized for the
20 eastern district of North Carolina by section
21 1223(b)(1)(M) of the Bankruptcy Judgeship Act of 2005
22 (28 U.S.C. 152 note; Public Law 109–8), and extended
23 by section 2(a)(1)(J) of the Temporary Bankruptcy
24 Judgeships Extension Act of 2012 (28 U.S.C. 152 note;
25 Public Law 112–121), is converted hereby to the perma-

1 nent office of bankruptcy judge, represented in the amend-
 2 ment made by section 3(7) of this Act, and may be filled.

3 (g) DISTRICT OF PUERTO RICO.—

4 (1) The temporary office of bankruptcy judge
 5 authorized for the district of Puerto Rico by section
 6 1223(b)(1)(P) of the Bankruptcy Judgeship Act of
 7 2005 (28 U.S.C. 152 note; Public Law 109–8), and
 8 extended by section 2(a)(1)(M) of the Temporary
 9 Bankruptcy Judgeships Extension Act of 2012 (28
 10 U.S.C. 152 note; Public Law 112–121), is converted
 11 hereby to the permanent office of bankruptcy judge,
 12 represented in the amendment made by section 3(8)
 13 of this Act, and may be filled.

14 (2) The temporary office of bankruptcy judge
 15 authorized for the district of Puerto Rico by section
 16 3(a)(7) of the Bankruptcy Judgeship Act of 1992
 17 (28 U.S.C. 152 note; Public Law 102–361), and ex-
 18 tended by section 1223(c)(1) of the Bankruptcy
 19 Judgeship Act of 2005 (28 U.S.C. 152 note; Public
 20 Law 109–8) and section 2(b)(1) of the Temporary
 21 Bankruptcy Judgeships Extension Act of 2012 (28
 22 U.S.C. 152 note; Public Law 112–121), is converted
 23 hereby to the permanent office of bankruptcy judge,
 24 is represented in the amendment made by section
 25 3(8) of this Act, and may be filled.

1 (h) EASTERN DISTRICT OF VIRGINIA.—The tem-
 2 porary office of bankruptcy judge authorized for the east-
 3 ern district of Virginia by section 1223(b)(1)(R) of the
 4 Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note;
 5 Public Law 109–8), and extended by section 2(a)(1)(P)
 6 of the Temporary Bankruptcy Judgeships Extension Act
 7 of 2012 (28 U.S.C. 152 note; Public Law 112–121), is
 8 converted hereby to the permanent office of bankruptcy
 9 judge, is represented in the amendment made by section
 10 3(9) of this Act, and may be filled.

11 **SEC. 3. PERMANENT OFFICE OF BANKRUPTCY JUDGE AU-**
 12 **THORIZED.**

13 To reflect the conversion of the temporary office of
 14 bankruptcy judge to the permanent office of bankruptcy
 15 judge made by the operation of section 2, and to authorize
 16 the appointment of additional bankruptcy judges, section
 17 152(a)(2) of title 28, United States Code, is amended—

18 (1) in the item relating to the district of Dela-
 19 ware, by striking “1” and inserting “8”;

20 (2) in the item relating to the middle district of
 21 Florida, by striking “8” and inserting “9”;

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

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

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

3 (6) in the item relating to the district of Ne-
4 vada, by striking “3” and inserting “4”;

5 (7) in the item relating to the eastern district
6 of North Carolina, by striking “2” and inserting
7 “3”;

8 (8) in the item relating to the district of Puerto
9 Rico, by striking “2” and inserting “4”; and

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

12 **SEC. 4. BANKRUPTCY FEES.**

13 (a) AMENDMENTS TO TITLE 28 OF THE UNITED
14 STATES CODE.—Section 1930(a)(6) of title 28, United
15 States Code, is amended—

16 (1) by striking “(6) In” and inserting “(6)(A)
17 Except as provided in subparagraph (B), in”; and

18 (2) by adding at the end the following:

19 “(B) In any fiscal year, the quarterly fee pay-
20 able for a quarter in which disbursements equal or
21 exceed \$1,000,000 shall be 1 percent of such dis-
22 bursements or \$250,000, whichever is less, unless
23 the balance in the United States Trustee System
24 Fund as of September 30 immediately preceding
25 such fiscal year exceeds \$200,000,000.”.

1 (b) DEPOSITS OF CERTAIN FEES FOR FISCAL YEARS
 2 2018 THROUGH 2022.—Notwithstanding section 589a(b)
 3 of title 28, United States Code, for each of fiscal years
 4 2018 through 2022—

5 (1) 97.5 percent of the fees collected under sec-
 6 tion 1930(a)(6) of such title shall be deposited as
 7 offsetting collections to the appropriation “United
 8 States Trustee System Fund”, to remain available
 9 until expended; and

10 (2) 2.5 percent of the fees collected under sec-
 11 tion 1930(a)(6) of such title shall be deposited in
 12 the general fund of the Treasury.

13 (c) EFFECTIVE DATE; APPLICATION OF AMEND-
 14 MENTS.—

15 (1) EFFECTIVE DATE.—This section shall take
 16 effect on July 1, 2017, or on the date of enactment
 17 of this Act, whichever is later.

18 (2) APPLICATION OF AMENDMENTS.—The
 19 amendments made by this section shall apply to
 20 quarterly fees payable under section 1930(a)(6) of
 21 title 28, United States Code, as amended by this
 22 section, for disbursements made in any calendar
 23 quarter that begins on or after the effective date of
 24 this section.

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