

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

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

**IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.**

**S. 878**

To authorize an additional permanent judgeship in the  
district of Idaho, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BIDEN

Viz:

1 At the end, add the following:

2 **SEC. 2. BANKRUPTCY JUDGESHIPS.**

3 (a) **SHORT TITLE.**—This section may be cited as the  
4 “Bankruptcy Judgeship Act of 2003”.

5 (b) **AUTHORIZATION FOR ADDITIONAL BANKRUPTCY**  
6 **JUDGESHIPS.**—The following judgeship positions shall be  
7 filled in the manner prescribed in section 152(a)(1) of title  
8 28, United States Code, for the appointment of bank-  
9 ruptcy judges provided for in section 152(a)(2) of such  
10 title:

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

3           (2) Four additional bankruptcy judgeships for  
4 the district of Delaware.

5           (3) One additional bankruptcy judgeship for the  
6 district of New Jersey.

7           (4) One additional bankruptcy judgeship for the  
8 eastern district of Pennsylvania.

9           (5) Three additional bankruptcy judgeships for  
10 the district of Maryland.

11           (6) One additional bankruptcy judgeship for the  
12 eastern district of North Carolina.

13           (7) One additional bankruptcy judgeship for the  
14 district of South Carolina.

15           (8) One additional bankruptcy judgeship for the  
16 eastern district of Virginia.

17           (9) Two additional bankruptcy judgeships for  
18 the eastern district of Michigan.

19           (10) Two additional bankruptcy judgeships for  
20 the western district of Tennessee.

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

23           (12) Two additional bankruptcy judgeships for  
24 the district of Nevada.

1           (13) One additional bankruptcy judgeship for  
2 the district of Utah.

3           (14) Two additional bankruptcy judgeships for  
4 the middle district of Florida.

5           (15) Two additional bankruptcy judgeships for  
6 the southern district of Florida.

7           (16) Two additional bankruptcy judgeships for  
8 the northern district of Georgia.

9           (17) One additional bankruptcy judgeship for  
10 the southern district of Georgia.

11 (c) TEMPORARY BANKRUPTCY JUDGESHIPS.—

12           (1) AUTHORIZATION FOR ADDITIONAL TEM-  
13 PORARY BANKRUPTCY JUDGESHIPS.—The following  
14 judgeship positions shall be filled in the manner pre-  
15 scribed in section 152(a)(1) of title 28, United  
16 States Code, for the appointment of bankruptcy  
17 judges provided for in section 152(a)(2) of such  
18 title:

19           (A) One additional bankruptcy judgeship  
20 for the district of Puerto Rico.

21           (B) One additional bankruptcy judgeship  
22 for the northern district of New York.

23           (C) One additional bankruptcy judgeship  
24 for the middle district of Pennsylvania.

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

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

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

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

9 (2) VACANCIES.—

10 (A) IN GENERAL.—The first vacancy oc-  
11 ccurring in the office of bankruptcy judge in  
12 each of the judicial districts set forth in para-  
13 graph (1)—

14 (i) occurring 5 years or more after the  
15 appointment date of the bankruptcy judge  
16 appointed under paragraph (1) to such of-  
17 fice; and

18 (ii) resulting from the death, retire-  
19 ment, resignation, or removal of a bank-  
20 ruptcy judge;

21 shall not be filled.

22 (B) TERM EXPIRATION.—In the case of a  
23 vacancy resulting from the expiration of the  
24 term of a bankruptcy judge not described in  
25 subparagraph (A), that judge shall be eligible

1 for reappointment as a bankruptcy judge in  
2 that district.

3 (3) EXTENSION OF EXISTING TEMPORARY  
4 BANKRUPTCY JUDGESHIPS.—

5 (A) IN GENERAL.—The temporary bank-  
6 ruptcy judgeships authorized for the northern  
7 district of Alabama and the eastern district of  
8 Tennessee under paragraphs (1) and (9) of sec-  
9 tion 3(a) of the Bankruptcy Judgeship Act of  
10 1992 (28 U.S.C. 152 note) are extended until  
11 the first vacancy occurring in the office of a  
12 bankruptcy judge in the applicable district re-  
13 sulting from the death, retirement, resignation,  
14 or removal of a bankruptcy judge and occurring  
15 5 years or more after the date of enactment of  
16 this Act.

17 (B) APPLICABILITY OF OTHER PROVI-  
18 SIONS.—All other provisions of section 3 of the  
19 Bankruptcy Judgeship Act of 1992 (28 U.S.C.  
20 152 note) remain applicable to the temporary  
21 bankruptcy judgeships referred to in this sub-  
22 section.

23 (d) TRANSFER OF BANKRUPTCY JUDGESHIP  
24 SHARED BY THE MIDDLE DISTRICT OF GEORGIA AND  
25 THE SOUTHERN DISTRICT OF GEORGIA.—The bankruptcy

1 judgeship presently shared by the southern district of  
2 Georgia and the middle district of Georgia shall be con-  
3 verted to a bankruptcy judgeship for the middle district  
4 of Georgia.

5 (e) CONVERSION OF EXISTING TEMPORARY BANK-  
6 RUPTCY JUDGESHIPS.—

7 (1) DISTRICT OF DELAWARE.—The temporary  
8 bankruptcy judgeship authorized for the district of  
9 Delaware pursuant to section 3 of the Bankruptcy  
10 Judgeship Act of 1992 (28 U.S.C. 152 note), shall  
11 be converted to a permanent bankruptcy judgeship.

12 (2) DISTRICT OF PUERTO RICO.—The tem-  
13 porary bankruptcy judgeship authorized for the dis-  
14 trict of Puerto Rico pursuant to section 3 of the  
15 Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152  
16 note), shall be converted to a permanent bankruptcy  
17 judgeship.

18 (f) TECHNICAL AMENDMENTS.—Section 152(a)(2) of  
19 title 28, United States Code, is amended—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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