

108TH CONGRESS
1ST SESSION

S. 878

IN THE HOUSE OF REPRESENTATIVES

JUNE 2, 2003

Referred to the Committee on the Judiciary

AN ACT

To authorize an additional permanent judgeship in the
district of Idaho, 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,*

1 **SECTION 1. DISTRICT JUDGESHIP FOR THE NORTHERN**
2 **DISTRICT OF ALABAMA.**

3 (a) **ADDITIONAL PERMANENT DISTRICT JUDGE-**
4 **SHIP.**—The President shall appoint, by and with the ad-
5 vice and consent of the Senate, 1 additional district judge
6 for the northern district of Alabama.

7 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
8 The table under section 133(a) of title 28, United States
9 Code, is amended by striking the item relating to Alabama
10 and inserting the following:

“Alabama:	
Northern	8
Middle	3
Southern	3.”.

11 **SEC. 2. DISTRICT JUDGESHIPS FOR THE DISTRICT OF ARI-**
12 **ZONA.**

13 (a) **ADDITIONAL PERMANENT DISTRICT JUDGE-**
14 **SHIPS.**—The President shall appoint, by and with the ad-
15 vice and consent of the Senate, 2 additional district judges
16 for the district of Arizona.

17 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
18 The table under section 133(a) of title 28, United States
19 Code, is amended by striking the item relating to Arizona
20 and inserting the following:

“Arizona	14.”.
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1 **SEC. 3. DISTRICT JUDGESHIPS FOR THE EASTERN AND**
 2 **SOUTHERN DISTRICTS OF CALIFORNIA.**

3 (a) **ADDITIONAL PERMANENT DISTRICT JUDGE-**
 4 **SHIPS.**—The President shall appoint, by and with the ad-
 5 vice and consent of the Senate—

6 (1) 3 additional district judges for the eastern
 7 district of California; and

8 (2) 1 additional district judge for the southern
 9 district of California.

10 (b) **CONVERSION OF TEMPORARY JUDGESHIP TO**
 11 **PERMANENT JUDGESHIP.**—The existing judgeship for the
 12 eastern district of California authorized by section 203(c)
 13 of the Judicial Improvements Act of 1990 (28 U.S.C. 133
 14 note; Public Law 101–650) shall, as of the date of enact-
 15 ment of this Act, be authorized under section 133 of title
 16 28, United States Code, and the incumbent in that office
 17 shall hold the office under section 133 of title 28, United
 18 States Code (as amended by this Act).

19 (c) **TECHNICAL AND CONFORMING AMENDMENT.**—

20 (1) **IN GENERAL.**—The table under section
 21 133(a) of title 28, United States Code, is amended
 22 by striking the item relating to California and in-
 23 serting the following:

“California:	
Northern	14
Eastern	10
Central	27
Southern	14.”.

1 (2) EFFECTIVE DATE.—This subsection shall
2 take effect on the later of—

3 (A) the date of enactment of this Act; or

4 (B) July 16, 2003.

5 **SEC. 4. DISTRICT JUDGESHIP FOR THE DISTRICT OF**
6 **IDAHO.**

7 (a) ADDITIONAL PERMANENT DISTRICT JUDGE-
8 SHIP.—The President shall appoint, by and with the ad-
9 vice and consent of the Senate, 1 additional district judge
10 for the district of Idaho.

11 (b) TECHNICAL AND CONFORMING AMENDMENT.—
12 The table under section 133(a) of title 28, United States
13 Code, is amended by striking the item relating to Idaho
14 and inserting the following:

“Idaho 3.”.

15 **SEC. 5. TEMPORARY JUDGESHIP FOR THE NORTHERN DIS-**
16 **TRICT OF IOWA.**

17 (a) IN GENERAL.—The President shall appoint, by
18 and with the advice and consent of the Senate, 1 addi-
19 tional judge for the northern district of Iowa.

20 (b) VACANCY NOT FILLED.—The first vacancy in the
21 office of district judge in the northern district of Iowa oc-
22 ccurring 10 years or more after the confirmation date of
23 the judge named to fill the temporary district judgeship
24 created by this subsection, shall not be filled.

1 **SEC. 6. CONVERSION OF TEMPORARY JUDGESHIP TO PER-**
 2 **MANENT JUDGESHIP FOR THE DISTRICT OF**
 3 **NEBRASKA.**

4 (a) **IN GENERAL.**—The existing judgeship for the dis-
 5 trict of Nebraska authorized by section 203(c) of the Judi-
 6 cial Improvements Act of 1990 (28 U.S.C. 133 note; Pub-
 7 lic Law 101–650) shall, as of the date of enactment of
 8 this Act, be authorized under section 133 of title 28,
 9 United States Code, and the incumbent in that office shall
 10 hold the office under section 133 of title 28, United States
 11 Code (as amended by this Act).

12 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—
 13 The table under section 133(a) of title 28, United States
 14 Code, is amended by striking the item relating to Ne-
 15 braska and inserting the following:

“Nebraska 4.”

16 **SEC. 7. DISTRICT JUDGEShips FOR THE EASTERN DIS-**
 17 **TRICT OF NEW YORK.**

18 (a) **ADDITIONAL PERMANENT DISTRICT JUDGE-**
 19 **SHIPS.**—The President shall appoint, by and with the ad-
 20 vice and consent of the Senate, 2 additional district judges
 21 for the eastern district of New York.

22 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—

23 (1) **IN GENERAL.**—The table under section
 24 133(a) of title 28, United States Code, is amended

1 by striking the item relating to New York and in-
2 serting the following:

“New York:

Northern	5
Southern	28
Eastern	17
Western	4.”

3 (2) EFFECTIVE DATE.—This subsection shall
4 take effect on the later of—

5 (A) the date of enactment of this Act; or

6 (B) July 16, 2003.

7 **SEC. 8. TEMPORARY JUDGESHIP FOR THE EASTERN DIS-**
8 **TRICT OF NEW YORK.**

9 (a) IN GENERAL.—The President shall appoint, by
10 and with the advice and consent of the Senate 1 additional
11 judge for the eastern district of New York.

12 (b) VACANCY NOT FILLED.—The first vacancy in the
13 office of district judge in the eastern district of New York
14 occurring 10 years or more after the confirmation date
15 of the judge named to fill the temporary district judgeship
16 created by this subsection, shall not be filled.

17 **SEC. 9. DISTRICT JUDGESHIP FOR THE DISTRICT OF**
18 **SOUTH CAROLINA.**

19 (a) ADDITIONAL PERMANENT DISTRICT JUDGE-
20 SHIP.—The President shall appoint, by and with the ad-
21 vice and consent of the Senate, 1 additional district judge
22 for the district of South Carolina.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—
2 The table under section 133(a) of title 28, United States
3 Code, is amended by striking the item relating to South
4 Carolina and inserting the following:

“South Carolina 11.”.

5 **SEC. 10. DISTRICT JUDGESHIP FOR THE DISTRICT OF**
6 **UTAH.**

7 (a) ADDITIONAL PERMANENT DISTRICT JUDGESHIP
8 FOR THE DISTRICT OF UTAH.—The President shall ap-
9 point, by and with the advice and consent of the Senate,
10 1 additional district judge for the district of Utah.

11 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
12 The table under section 133(a) of title 28, United States
13 Code, is amended by striking the item relating to Utah
14 and inserting the following:

“Utah 6.”.

15 **SEC. 11. BANKRUPTCY JUDGESHIPS.**

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

18 (b) AUTHORIZATION FOR ADDITIONAL BANKRUPTCY
19 JUDGESHIPS.—The following judgeship positions shall be
20 filled in the manner prescribed in section 152(a)(1) of title
21 28, United States Code, for the appointment of bank-
22 ruptcy judges provided for in section 152(a)(2) of such
23 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”.

Passed the Senate May 22, 2003.

Attest: EMILY J. REYNOLDS,
Secretary.