

Calendar No. 102

108TH CONGRESS
1ST SESSION**S. 878**

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

 IN THE SENATE OF THE UNITED STATES

APRIL 10, 2003

Mr. CRAIG (for himself, Mr. CRAPO, and Mr. HAGEL) introduced the following
bill; which was read twice and referred to the Committee on the Judiciary

MAY 20, 2003

Reported by Mr. HATCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

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,*

3 **SECTION 1. DISTRICT JUDGESHIP FOR THE DISTRICT OF**
4 **IDAHO.**

5 (a) ~~ADDITIONAL PERMANENT DISTRICT JUDGE-~~
6 ~~SHIP.~~—The President shall appoint, by and with the ad-

1 vice and consent of the Senate, 1 additional district judge
2 for the district of Idaho.

3 (b) ~~TECHNICAL AND CONFORMING AMENDMENT.—~~

4 The table contained in section 133(a) of title 28, United
5 States Code, is amended by striking the item relating to
6 Idaho and inserting the following:

“Idaho 3”.

7 **SECTION 1. DISTRICT JUDGESHIP FOR THE NORTHERN**
8 **DISTRICT OF ALABAMA.**

9 (a) *ADDITIONAL PERMANENT DISTRICT JUDGESHIP.—*

10 *The President shall appoint, by and with the advice and*
11 *consent of the Senate, 1 additional district judge for the*
12 *northern district of Alabama.*

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

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

17 **SEC. 2. DISTRICT JUDGESHIPS FOR THE DISTRICT OF ARI-**
18 **ZONA.**

19 (a) *ADDITIONAL PERMANENT DISTRICT JUDGE-*

20 *SHIPS.—The President shall appoint, by and with the ad-*
21 *vice and consent of the Senate, 2 additional district judges*
22 *for the district of Arizona.*

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

 “Arizona 14”.

5 **SEC. 3. DISTRICT JUDGESHIPS FOR THE EASTERN AND**
 6 **SOUTHERN DISTRICTS OF CALIFORNIA.**

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

10 (1) *3 additional district judges for the eastern*
 11 *district of California; and*

12 (2) *1 additional district judge for the southern*
 13 *district of California.*

14 (b) *CONVERSION OF TEMPORARY JUDGESHIP TO PER-*
 15 *MANENT JUDGESHIP.*—*The existing judgeship for the east-*
 16 *ern district of California authorized by section 203(c) of*
 17 *the Judicial Improvements Act of 1990 (28 U.S.C. 133 note;*
 18 *Public Law 101–650) shall, as of the date of enactment of*
 19 *this Act, be authorized under section 133 of title 28, United*
 20 *States Code, and the incumbent in that office shall hold the*
 21 *office under section 133 of title 28, United States Code (as*
 22 *amended by this Act).*

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

24 (1) *IN GENERAL.*—*The table under section*
 25 *133(a) of title 28, United States Code, is amended by*

1 *striking the item relating to California and inserting*
2 *the following:*

“California:

<i>Northern</i>	14
<i>Eastern</i>	10
<i>Central</i>	27
<i>Southern</i>	14”.

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

- 5 (A) *the date of enactment of this Act; or*
- 6 (B) *July 16, 2003.*

7 **SEC. 4. DISTRICT JUDGESHIP FOR THE DISTRICT OF**
8 **IDAHO.**

9 (a) *ADDITIONAL PERMANENT DISTRICT JUDGESHIP.—*
10 *The President shall appoint, by and with the advice and*
11 *consent of the Senate, 1 additional district judge for the*
12 *district of Idaho.*

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

<i>Idaho</i>	3”.
--------------------	-----

17 **SEC. 5. TEMPORARY JUDGESHIP FOR THE NORTHERN DIS-**
18 **TRICT OF IOWA.**

19 (a) *IN GENERAL.—The President shall appoint, by*
20 *and with the advice and consent of the Senate, 1 additional*
21 *judge for the northern district of Iowa.*

1 (b) *VACANCY NOT FILLED.*—*The first vacancy in the*
 2 *office of district judge in the northern district of Iowa occur-*
 3 *ring 10 years or more after the confirmation date of the*
 4 *judge named to fill the temporary district judgeship created*
 5 *by this subsection, shall not be filled.*

6 **SEC. 6. CONVERSION OF TEMPORARY JUDGESHIP TO PER-**
 7 **MANENT JUDGESHIP FOR THE DISTRICT OF**
 8 **NEBRASKA.**

9 (a) *IN GENERAL.*—*The existing judgeship for the dis-*
 10 *trict of Nebraska authorized by section 203(c) of the Judi-*
 11 *cial Improvements Act of 1990 (28 U.S.C. 133 note; Public*
 12 *Law 101–650) shall, as of the date of enactment of this Act,*
 13 *be authorized under section 133 of title 28, United States*
 14 *Code, and the incumbent in that office shall hold the office*
 15 *under section 133 of title 28, United States Code (as amend-*
 16 *ed by this Act).*

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

 “Nebraska 4.”.

21 **SEC. 7. DISTRICT JUDGESHIPS FOR THE EASTERN DIS-**
 22 **TRICT OF NEW YORK.**

23 (a) *ADDITIONAL PERMANENT DISTRICT JUDGE-*
 24 *SHIPS.*—*The President shall appoint, by and with the ad-*

1 *vice and consent of the Senate, 2 additional district judges*
 2 *for the eastern district of New York.*

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

4 (1) *IN GENERAL.*—*The table under section*
 5 *133(a) of title 28, United States Code, is amended by*
 6 *striking the item relating to New York and inserting*
 7 *the following:*

“*New York:*

<i>Northern</i>	5
<i>Southern</i>	28
<i>Eastern</i>	17
<i>Western</i>	4”.

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

10 (A) *the date of enactment of this Act; or*

11 (B) *July 16, 2003.*

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

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

17 (b) *VACANCY NOT FILLED.*—*The first vacancy in the*
 18 *office of district judge in the eastern district of New York*
 19 *occurring 10 years or more after the confirmation date of*
 20 *the judge named to fill the temporary district judgeship cre-*
 21 *ated by this subsection, shall not be filled.*

1 **SEC. 9. DISTRICT JUDGESHIP FOR THE DISTRICT OF SOUTH**
 2 **CAROLINA.**

3 (a) *ADDITIONAL PERMANENT DISTRICT JUDGESHIP.*—
 4 *The President shall appoint, by and with the advice and*
 5 *consent of the Senate, 1 additional district judge for the*
 6 *district of South Carolina.*

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

“South Carolina 11”.

11 **SEC. 10. DISTRICT JUDGESHIP FOR THE DISTRICT OF**
 12 **UTAH.**

13 (a) *ADDITIONAL PERMANENT DISTRICT JUDGESHIP*
 14 *FOR THE DISTRICT OF UTAH.*—*The President shall ap-*
 15 *point, by and with the advice and consent of the Senate,*
 16 *1 additional district judge for the district of Utah.*

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

“Utah 6.”.

21 **SEC. 11. BANKRUPTCY JUDGESHIPS.**

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

1 (b) *AUTHORIZATION FOR ADDITIONAL BANKRUPTCY*
2 *JUDGESHIPS.*—*The following judgeship positions shall be*
3 *filled in the manner prescribed in section 152(a)(1) of title*
4 *28, United States Code, for the appointment of bankruptcy*
5 *judges provided for in section 152(a)(2) of such title:*

6 (1) *Two additional bankruptcy judgeships for the*
7 *southern district of New York.*

8 (2) *Four additional bankruptcy judgeships for*
9 *the district of Delaware.*

10 (3) *One additional bankruptcy judgeship for the*
11 *district of New Jersey.*

12 (4) *One additional bankruptcy judgeship for the*
13 *eastern district of Pennsylvania.*

14 (5) *Three additional bankruptcy judgeships for*
15 *the district of Maryland.*

16 (6) *One additional bankruptcy judgeship for the*
17 *eastern district of North Carolina.*

18 (7) *One additional bankruptcy judgeship for the*
19 *district of South Carolina.*

20 (8) *One additional bankruptcy judgeship for the*
21 *eastern district of Virginia.*

22 (9) *Two additional bankruptcy judgeships for the*
23 *eastern district of Michigan.*

24 (10) *Two additional bankruptcy judgeships for*
25 *the western district of Tennessee.*

1 (11) *One additional bankruptcy judgeship for the*
2 *eastern and western districts of Arkansas.*

3 (12) *Two additional bankruptcy judgeships for*
4 *the district of Nevada.*

5 (13) *One additional bankruptcy judgeship for the*
6 *district of Utah.*

7 (14) *Two additional bankruptcy judgeships for*
8 *the middle district of Florida.*

9 (15) *Two additional bankruptcy judgeships for*
10 *the southern district of Florida.*

11 (16) *Two additional bankruptcy judgeships for*
12 *the northern district of Georgia.*

13 (17) *One additional bankruptcy judgeship for the*
14 *southern district of Georgia.*

15 (c) *TEMPORARY BANKRUPTCY JUDGESHIPS.—*

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

22 (A) *One additional bankruptcy judgeship*
23 *for the district of Puerto Rico.*

24 (B) *One additional bankruptcy judgeship*
25 *for the northern district of New York.*

1 (C) *One additional bankruptcy judgeship*
2 *for the middle district of Pennsylvania.*

3 (D) *One additional bankruptcy judgeship*
4 *for the district of Maryland.*

5 (E) *One additional bankruptcy judgeship*
6 *for the northern district of Mississippi.*

7 (F) *One additional bankruptcy judgeship*
8 *for the southern district of Mississippi.*

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

11 (2) *VACANCIES.—*

12 (A) *IN GENERAL.—The first vacancy occur-*
13 *ring in the office of bankruptcy judge in each of*
14 *the judicial districts set forth in paragraph*
15 *(1)—*

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

20 (ii) *resulting from the death, retire-*
21 *ment, resignation, or removal of a bank-*
22 *ruptcy judge;*
23 *shall not be filled.*

24 (B) *TERM EXPIRATION.—In the case of a*
25 *vacancy resulting from the expiration of the term*

1 *of a bankruptcy judge not described in subpara-*
2 *graph (A), that judge shall be eligible for re-*
3 *appointment as a bankruptcy judge in that dis-*
4 *trict.*

5 (3) *EXTENSION OF EXISTING TEMPORARY BANK-*
6 *RUPTCY JUDGESHIPS.—*

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

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

1 (d) *TRANSFER OF BANKRUPTCY JUDGESHIP SHARED*
 2 *BY THE MIDDLE DISTRICT OF GEORGIA AND THE SOUTH-*
 3 *ERN DISTRICT OF GEORGIA.*—*The bankruptcy judgeship*
 4 *presently shared by the southern district of Georgia and the*
 5 *middle district of Georgia shall be converted to a bank-*
 6 *ruptcy judgeship for the middle district of Georgia.*

7 (e) *CONVERSION OF EXISTING TEMPORARY BANK-*
 8 *RUPTCY JUDGESHIPS.*—

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

14 (2) *DISTRICT OF PUERTO RICO.*—*The temporary*
 15 *bankruptcy judgeship authorized for the district of*
 16 *Puerto Rico pursuant to section 3 of the Bankruptcy*
 17 *Judgeship Act of 1992 (28 U.S.C. 152 note), shall be*
 18 *converted to a permanent bankruptcy judgeship.*

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

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

24 (2) *in the item relating to the district of Dela-*
 25 *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 “Middle
13 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”;

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

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

3 (16) *in the item relating to the district of Puerto*
4 *Rico, by striking “2 and inserting “3”;*

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

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

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

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

Calendar No. 102

108TH CONGRESS
1ST Session

S. 878

A BILL

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

MAY 20, 2003

Reported with an amendment