

## Calendar No. 102

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

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

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 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*]

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**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”.
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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”.



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