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<b>THIS SEARCH</b>	<b>THIS DOCUMENT</b>	<b>GO TO</b>
<a href="#">Next Hit</a>	<a href="#">Forward</a>	<a href="#">New Bills Search</a>
<a href="#">Prev Hit</a>	<a href="#">Back</a>	<a href="#">Home Page</a>
<a href="#">Hit List</a>	<a href="#">Best Sections</a>	<a href="#">Help</a>
	<a href="#">Contents Display</a>	

**Bill 4 of 4**

There are 3 other versions of this bill.

<a href="#">GPO's PDF version of this bill</a>	<a href="#">References to this bill in the Congressional Record</a>	<a href="#">Link to the Bill Summary &amp; Status file.</a>	<a href="#">Printer Friendly Display - 15,520 bytes.</a> <a href="#">[Help]</a>
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**To authorize an additional permanent judgeship in the district of Idaho, and for other purposes.  
(Referred to House Committee after being Received from Senate)**

S 878 RFH

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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

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

(a) **ADDITIONAL PERMANENT DISTRICT JUDGESHIP-** The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the northern district of Alabama.

(b) **TECHNICAL AND CONFORMING AMENDMENT-** The table under section 133(a) of title 28, United States Code, is amended by striking the item relating to Alabama and inserting the

following:

8

3

3.

**SEC. 2. DISTRICT JUDGESHIIPS FOR THE DISTRICT OF ARIZONA.**

(a) ADDITIONAL PERMANENT DISTRICT JUDGESHIIPS- The President shall appoint, by and with the advice and consent of the Senate, 2 additional district judges for the district of Arizona.

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

14.

**SEC. 3. DISTRICT JUDGESHIIPS FOR THE EASTERN AND SOUTHERN DISTRICTS OF CALIFORNIA.**

(a) ADDITIONAL PERMANENT DISTRICT JUDGESHIIPS- The President shall appoint, by and with the advice and consent of the Senate--

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

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

(b) CONVERSION OF TEMPORARY JUDGESHIP TO PERMANENT JUDGESHIP- The existing judgeship for the eastern district of California authorized by section 203(c) of the Judicial Improvements Act of 1990 (28 U.S.C. 133 note; Public Law 101-650) shall, as of the date of enactment of this Act, be authorized under section 133 of title 28, United States Code, and the incumbent in that office shall hold the office under section 133 of title 28, United States Code (as amended by this Act).

(c) TECHNICAL AND CONFORMING AMENDMENT-

(1) IN GENERAL- The table under section 133(a) of title 28, United States Code, is amended by striking the item relating to California and inserting the following:

14

10

27

14.

(2) EFFECTIVE DATE- This subsection shall take effect on the later of--

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

(B) July 16, 2003.

#### **SEC. 4. DISTRICT JUDGESHIP FOR THE DISTRICT OF IDAHO.**

(a) ADDITIONAL PERMANENT DISTRICT JUDGESHIP- The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the district of Idaho.

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

Idaho

3.

#### **SEC. 5. TEMPORARY JUDGESHIP FOR THE NORTHERN DISTRICT OF IOWA.**

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

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

#### **SEC. 6. CONVERSION OF TEMPORARY JUDGESHIP TO PERMANENT JUDGESHIP FOR THE DISTRICT OF NEBRASKA.**

(a) IN GENERAL- The existing judgeship for the district of Nebraska authorized by section 203 (c) of the Judicial Improvements Act of 1990 (28 U.S.C. 133 note; Public Law 101-650) shall, as of the date of enactment of this Act, be authorized under section 133 of title 28, United States Code, and the incumbent in that office shall hold the office under section 133 of title 28, United States Code (as amended by this Act).

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

4.

#### **SEC. 7. DISTRICT JUDGESHIPS FOR THE EASTERN DISTRICT OF NEW YORK.**

(a) ADDITIONAL PERMANENT DISTRICT JUDGESHIPS- The President shall appoint, by and with the advice and consent of the Senate, 2 additional district judges for the eastern district of New York.

(b) TECHNICAL AND CONFORMING AMENDMENT-

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

5  
28  
17  
4.

(2) EFFECTIVE DATE- This subsection shall take effect on the later of--

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

(B) July 16, 2003.

**SEC. 8. TEMPORARY JUDGESHIP FOR THE EASTERN DISTRICT OF NEW YORK.**

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

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

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

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

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

11.

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

(a) ADDITIONAL PERMANENT DISTRICT JUDGESHIP FOR THE DISTRICT OF UTAH- The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the district of Utah.

(b) TECHNICAL AND CONFORMING AMENDMENTS- The table under section 133(a) of title 28, United States Code, is amended by striking the item relating to Utah and inserting the

following:

6.

## **SEC. 11. BANKRUPTCY JUDGESHIPS.**

(a) SHORT TITLE- This section may be cited as the 'Bankruptcy Judgeship Act of 2003'.

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

- (1) Two additional bankruptcy judgeships for the southern district of New York.
- (2) Four additional bankruptcy judgeships for the district of Delaware.
- (3) One additional bankruptcy judgeship for the district of New Jersey.
- (4) One additional bankruptcy judgeship for the eastern district of Pennsylvania.
- (5) Three additional bankruptcy judgeships for the district of Maryland.
- (6) One additional bankruptcy judgeship for the eastern district of North Carolina.
- (7) One additional bankruptcy judgeship for the district of South Carolina.
- (8) One additional bankruptcy judgeship for the eastern district of Virginia.
- (9) Two additional bankruptcy judgeships for the eastern district of Michigan.
- (10) Two additional bankruptcy judgeships for the western district of Tennessee.
- (11) One additional bankruptcy judgeship for the eastern and western districts of Arkansas.
- (12) Two additional bankruptcy judgeships for the district of Nevada.
- (13) One additional bankruptcy judgeship for the district of Utah.
- (14) Two additional bankruptcy judgeships for the middle district of Florida.
- (15) Two additional bankruptcy judgeships for the southern district of Florida.
- (16) Two additional bankruptcy judgeships for the northern district of Georgia.
- (17) One additional bankruptcy judgeship for the southern district of Georgia.

(c) TEMPORARY BANKRUPTCY JUDGESHIPS-

**(1) AUTHORIZATION FOR ADDITIONAL TEMPORARY BANKRUPTCY**

**JUDGESHIPS-** The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

- (A) One additional bankruptcy judgeship for the district of Puerto Rico.
- (B) One additional bankruptcy judgeship for the northern district of New York.
- (C) One additional bankruptcy judgeship for the middle district of Pennsylvania.
- (D) One additional bankruptcy judgeship for the district of Maryland.
- (E) One additional bankruptcy judgeship for the northern district of Mississippi.
- (F) One additional bankruptcy judgeship for the southern district of Mississippi.
- (G) One additional bankruptcy judgeship for the southern district of Georgia.

**(2) VACANCIES-**

(A) **IN GENERAL-** The first vacancy occurring in the office of bankruptcy judge in each of the judicial districts set forth in paragraph (1)--

(i) occurring 5 years or more after the appointment date of the bankruptcy judge appointed under paragraph (1) to such office; and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;

shall not be filled.

(B) **TERM EXPIRATION-** In the case of a vacancy resulting from the expiration of the term of a bankruptcy judge not described in subparagraph (A), that judge shall be eligible for reappointment as a bankruptcy judge in that district.

**(3) EXTENSION OF EXISTING TEMPORARY BANKRUPTCY JUDGESHIPS-**

(A) **IN GENERAL-** The temporary bankruptcy judgeships authorized for the northern district of Alabama and the eastern district of Tennessee under paragraphs (1) and (9) of section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring 5 years or more after the date of enactment of this Act.

(B) **APPLICABILITY OF OTHER PROVISIONS-** All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to the temporary bankruptcy judgeships referred to in this subsection.

(d) TRANSFER OF BANKRUPTCY JUDGESHIP SHARED BY THE MIDDLE DISTRICT OF GEORGIA AND THE SOUTHERN DISTRICT OF GEORGIA- The bankruptcy judgeship presently shared by the southern district of Georgia and the middle district of Georgia shall be converted to a bankruptcy judgeship for the middle district of Georgia.

(e) CONVERSION OF EXISTING TEMPORARY BANKRUPTCY JUDGESHIPS-

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

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

(f) TECHNICAL AMENDMENTS- Section 152(a)(2) of title 28, United States Code, is amended--

(1) in the item relating to the eastern and western districts of Arkansas, by striking `3' and inserting `4';

(2) in the item relating to the district of Delaware, by striking `1' and inserting `6';

(3) in the item relating to the middle district of Florida, by striking `8' and inserting `10';

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

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

(6) in the item relating to the middle district of Georgia, by striking `2' and inserting `3';

(7) in the item relating to the southern district of Georgia, by striking `2' and inserting `3';

(8) in the collective item relating to the middle and southern districts of Georgia, by striking `Middle and Southern . . . . . 1';

(9) in the item relating to the district of Maryland, by striking `4' and inserting `7';

(10) in the item relating to the eastern district of Michigan, by striking `4' and inserting `6';

(11) in the item relating to the district of Nevada, by striking `3' and inserting `5';

(12) in the item relating to the district of New Jersey, by striking `8' and inserting `9';

(13) in the item relating to the southern district of New York, by striking `9' and inserting `11';

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



- (15) in the item relating to the eastern district of Pennsylvania, by striking `5' and inserting `6';
- (16) in the item relating to the district of Puerto Rico, by striking `2' and inserting `3';
- (17) in the item relating to the district of South Carolina, by striking `2' and inserting `3';
- (18) in the item relating to the western district of Tennessee, by striking `4' and inserting `6';
- (19) in the item relating to the district of Utah, by striking `3' and inserting `4'; and
- (20) in the item relating to the eastern district of Virginia, by striking `5' and inserting `6'.

Passed the Senate May 22, 2003.

Attest:

EMILY J. REYNOLDS,

Secretary.

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<i>THIS SEARCH</i>	<i>THIS DOCUMENT</i>	<i>GO TO</i>
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<a href="#">Hit List</a>	<a href="#">Best Sections</a>	<a href="#">Help</a>
	<a href="#">Contents Display</a>	

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