

# Union Calendar No. 433

108TH CONGRESS  
2D SESSION

# S. 878

[Report No. 108-708]

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 2, 2003

Referred to the Committee on the Judiciary

SEPTEMBER 29, 2004

Reported with amendments, committed to the Committee of the Whole House  
on the State of the Union, and ordered to be printed

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

[For text of Senate passed bill, see copy of bill as referred in the House of Representatives  
on June 2, 2003]

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## 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,*

3 **SECTION 1. NEW DISTRICT JUDGESHIPS.**

4 *The President shall appoint, by and with the advice*  
5 *and consent of the Senate, the following:*

6 *(1) 1 additional district judge for the northern*  
7 *district of Alabama.*

1           (2) 1 additional district judge for the middle dis-  
2           trict of Alabama.

3           (3) 3 additional district judges for the district of  
4           Arizona.

5           (4) 1 additional district judge for the northern  
6           district of California.

7           (5) 3 additional district judges for the eastern  
8           district of California.

9           (6) 1 additional district judge for the central dis-  
10          trict of California.

11          (7) 2 additional district judges for the southern  
12          district of California.

13          (8) 2 additional district judges for the middle  
14          district of Florida.

15          (9) 4 additional district judges for the southern  
16          district of Florida.

17          (10) 1 additional district judge for the district of  
18          Idaho.

19          (11) 1 additional district judge for the western  
20          district of Missouri.

21          (12) 1 additional district judge for the district of  
22          Nebraska.

23          (13) 2 additional district judges for the district  
24          of New Mexico.

1           (14) 3 additional district judges for the eastern  
2       *district of New York.*

3           (15) 1 additional district judge for the district of  
4       *Oregon.*

5           (16) 1 additional district judge for the district of  
6       *South Carolina.*

7           (17) 2 additional district judges for the eastern  
8       *district of Virginia.*

9           (18) 1 additional district judge for the district of  
10      *Utah.*

11          (19) 1 additional district judge for the western  
12      *district of Washington.*

13 **SEC. 2. CONVERSION OF TEMPORARY TO PERMANENT**  
14                                   **JUDGESHIPS.**

15       *The existing judgeships for the eastern district of Cali-*  
16 *fornia, the district of Hawaii, the district of Kansas, the*  
17 *eastern district of Missouri, that were authorized by section*  
18 *203(c) of the Judicial Improvements Act of 1990 (28 U.S.C.*  
19 *133 note; Public Law 101–650) shall, as of the date of the*  
20 *enactment of this Act, be authorized under section 133 of*  
21 *title 28, United States Code, and the incumbents in those*  
22 *offices shall, as of such date of enactment, hold those offices*  
23 *under section 133 of title 28, United States Code, as amend-*  
24 *ed by this Act.*

1 **SEC. 3. TEMPORARY JUDGESHIPS.**

2 (a) *APPOINTMENT.*—*The President shall appoint, by*  
3 *and with the advice and consent of the Senate, the following:*

4 (1) *1 additional district judge for the northern*  
5 *district of California.*

6 (2) *2 additional district judges for the central*  
7 *district of California.*

8 (3) *3 additional district judges for the southern*  
9 *district of California.*

10 (4) *1 additional district judge for the district of*  
11 *Colorado.*

12 (5) *1 additional district judge for the middle dis-*  
13 *trict of Florida.*

14 (6) *1 additional district judge for the northern*  
15 *district of Illinois.*

16 (7) *1 additional district judge for the northern*  
17 *district of Indiana.*

18 (8) *1 additional district judge for the southern*  
19 *district of Indiana.*

20 (9) *1 additional district judge for the northern*  
21 *district of Iowa.*

22 (10) *1 additional district judge for the district of*  
23 *New Mexico.*

24 (11) *1 additional district judge for the eastern*  
25 *district of New York.*

1           (12) 1 additional district judge for the western  
2           district of New York.

3           (b) VACANCIES NOT FILLED.—(1) The first 2 vacan-  
4           cies in the office of district judge in the central district of  
5           California, occurring 10 years or more after judges are first  
6           confirmed to fill both temporary judgeships created in that  
7           district by subsection (a), shall not be filled.

8           (2) The first 3 vacancies in the office of district judge  
9           in the southern district of California, occurring 10 years  
10          or more after judges are first confirmed to fill all 3 tem-  
11          porary judgeships created in that district by subsection (a),  
12          shall not be filled.

13          (3) The first vacancy in the office of district judge in  
14          each district named in subsection (a), other than the central  
15          or southern district of California, occurring 10 years or  
16          more after judges are first confirmed to fill the temporary  
17          judgeship created in that district by subsection (a), shall  
18          not be filled.

19   **SEC. 4. CONFORMING AMENDMENTS.**

20          The table contained in section 133(a) of title 28,  
21          United States Code, is amended—

22                  (1) by amending the item relating to Alabama to  
23          read as follows:

“Alabama:	
Northern .....	8
Middle .....	4
Southern .....	3”;

1           (2) by amending the item relating to Arizona to  
2           read as follows:

“Arizona ..... 15”;

3           (3) by amending the item relating to California  
4           to read as follows:

“California:  
Northern ..... 15  
Eastern ..... 10  
Central ..... 28  
Southern ..... 15”;

5           (4) by amending the item relating to Florida to  
6           read as follows:

“Florida:  
Northern ..... 4  
Middle ..... 17  
Southern ..... 21”;

7           (5) by amending the item relating to Hawaii to  
8           read as follows:

“Hawaii ..... 4”;

9           (6) by amending the item relating to Idaho to  
10          read as follows:

“Idaho ..... 3”;

11          (7) by amending the item relating to Kansas to  
12          read as follows:

“Kansas ..... 6”;

13          (8) by amending the item relating to Missouri to  
14          read as follows:

“Missouri:  
Eastern ..... 7  
Western ..... 5  
Eastern and Western ..... 2”;

1           (9) by amending the item relating to Nebraska  
2           to read as follows:

“Nebraska ..... 4”;

3           (10) by amending the item relating to New Mex-  
4           ico to read as follows:

“New Mexico ..... 8”;

5           (11) by amending the item relating to New York  
6           to read as follows:

“New York:

Northern ..... 5  
Southern ..... 28  
Eastern ..... 18  
Western ..... 4”;

7           (12) by amending the item relating to Oregon to  
8           read as follows:

“Oregon ..... 7”;

9           (13) by amending the item relating to South  
10          Carolina to read as follows:

“South Carolina ..... 11”;

11          (14) by amending the item relating to Utah to  
12          read as follows:

“Utah ..... 6”;

13          (15) by amending the item relating to Virginia  
14          to read as follows:

“Virginia:

Eastern ..... 13  
Western ..... 4”;

15          and

16          (16) by amending the item relating to Wash-  
17          ington to read as follows:

“Washington:	
<i>Eastern</i> .....	4
<i>Western</i> .....	8”.

1 **SEC. 5. ADDITIONAL CIRCUIT JUDGES.**

2       (a) *PERMANENT JUDGESHIPS.*—*The President shall*  
3 *appoint, by and with the advice and consent of the Senate,*  
4 *1 additional circuit judge for the first circuit court of ap-*  
5 *peals, 2 additional circuit judges for the second circuit court*  
6 *of appeals, 1 additional circuit judge for the sixth circuit*  
7 *court of appeals, and 5 additional circuit judges for the*  
8 *ninth circuit court of appeals.*

9       (b) *TEMPORARY JUDGESHIPS.*—

10           (1) *APPOINTMENT OF JUDGES.*—*The President*  
11 *shall appoint, by and with the advice and consent of*  
12 *the Senate, 2 additional circuit judges for the ninth*  
13 *circuit court of appeals.*

14           (2) *EFFECT OF VACANCIES.*—*The first 2 vacan-*  
15 *cies occurring on the ninth circuit court of appeals 10*  
16 *years or more after judges are first confirmed to fill*  
17 *both temporary circuit judgeships created by this sub-*  
18 *section shall not be filled.*

19       (c) *NUMBER OF CIRCUIT JUDGES.*—*The table con-*  
20 *tained in section 44(a) of title 28, United States Code, is*  
21 *amended—*

22           (1) *by amending the item relating to the first*  
23 *circuit to read follows:*

“*First* ..... 7”;



1           (2) by amending the item relating to the second  
2           circuit to read follows:

“Second ..... 15”;

3           (3) by amending the item relating to the sixth  
4           circuit to read as follows:

“Sixth ..... 17”;

5           and

6           (4) by amending the item relating to the ninth  
7           circuit to read as follows:

“Ninth ..... 33”.

Amend the title so as to read: “A bill to create additional Federal court judgeships.”.

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