

109TH CONGRESS
1ST SESSION

H. R. 4093

To provide for the appointment of additional Federal circuit and district judges, to improve the administration of justice, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 2005

Mr. SENSENBRENNER (for himself and Mr. SIMPSON) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for the appointment of additional Federal circuit and district judges, to improve the administration of justice, 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. SHORT TITLE.**

4 This Act may be cited as the “Federal Judgeship and
5 Administrative Efficiency Act of 2005”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—CIRCUIT AND DISTRICT JUDGESHIPS

- Sec. 101. Short title.

- Sec. 102. Circuit judges for the circuit courts of appeals.
 Sec. 103. District judges for the district courts.
 Sec. 104. Establishment of article III court in the Virgin Islands.
 Sec. 105. Effective date.

TITLE II—BANKRUPTCY JUDGESHIPS

- Sec. 201. Short title.
 Sec. 202. Authorization for additional bankruptcy judgeships.
 Sec. 203. Temporary bankruptcy judgeships.
 Sec. 204. Conversion of existing temporary bankruptcy judgeships.
 Sec. 205. General provisions.
 Sec. 206. Effective date.

TITLE III—NINTH CIRCUIT REORGANIZATION

- Sec. 301. Short title.
 Sec. 302. Definitions.
 Sec. 303. Number and composition of circuits.
 Sec. 304. Judgeships.
 Sec. 305. Number of circuit judges.
 Sec. 306. Places of circuit court.
 Sec. 307. Assignment of circuit judges.
 Sec. 308. Election of assignment by senior judges.
 Sec. 309. Seniority of judges.
 Sec. 310. Application to cases.
 Sec. 311. Temporary assignment of circuit judges among circuits.
 Sec. 312. Temporary assignment of district judges among circuits.
 Sec. 313. Administration.
 Sec. 314. Effective date.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

- Sec. 401. Authorization of appropriations.

1 **TITLE I—CIRCUIT AND DISTRICT** 2 **JUDGESHIPS**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Federal Judgeship Act
 5 of 2005”.

6 **SEC. 102. CIRCUIT JUDGES FOR THE CIRCUIT COURTS OF** 7 **APPEALS.**

8 (a) IN GENERAL.—The President shall appoint, by
 9 and with the advice and consent of the Senate—

1 (1) 1 additional circuit judge for the first cir-
2 cuit court of appeals;

3 (2) 2 additional circuit judges for the second
4 circuit court of appeals; and

5 (3) 1 additional circuit judge for the sixth cir-
6 cuit court of appeals.

7 (b) TEMPORARY JUDGESHIPS.—

8 (1) IN GENERAL.—The President shall appoint,
9 by and with the advice and consent of the Senate 1
10 additional circuit judge for the eighth circuit court
11 of appeals.

12 (2) VACANCY NOT FILLED.—The first vacancy
13 in the office of circuit judge in the eighth circuit
14 court of appeals occurring 10 years or more after
15 the confirmation date of the judge named to fill the
16 circuit judgeship created in that circuit by para-
17 graph (1) shall not be filled.

18 (c) TABLES.—In order that the table contained in
19 section 44 of title 28, United States Code, will, with re-
20 spect to each judicial circuit, reflect the changes in the
21 total number of permanent circuit judgeships authorized
22 under subsection (a) of this section, such table is amended
23 to read as follows:

“Circuits	Number of Judges
District of Columbia	12
First	7
Second	15

Third	14
Fourth	15
Fifth	17
Sixth	17
Seventh	11
Eighth	11
Ninth	28
Tenth	12
Eleventh	12
Federal	12.”.

1 **SEC. 103. DISTRICT JUDGES FOR THE DISTRICT COURTS.**

2 (a) IN GENERAL.—The President shall appoint, by
3 and with the advice and consent of the Senate—

4 (1) 1 additional district judge for the northern
5 district of Alabama;

6 (2) 4 additional district judges for the district
7 of Arizona;

8 (3) 3 additional district judges for the northern
9 district of California;

10 (4) 4 additional district judges for the eastern
11 district of California;

12 (5) 4 additional district judges for the central
13 district of California;

14 (6) 1 additional district judge for the southern
15 district of California;

16 (7) 1 additional district judge for the district of
17 Colorado;

18 (8) 4 additional district judges for the middle
19 district of Florida;

1 (9) 3 additional district judges for the southern
2 district of Florida;

3 (10) 1 additional district judge for the district
4 of Idaho;

5 (11) 1 additional district judge for the northern
6 district of Illinois;

7 (12) 1 additional district judge for the southern
8 district of Indiana;

9 (13) 1 additional district judge for the western
10 district of Missouri;

11 (14) 1 additional district judge for the district
12 of Nebraska;

13 (15) 1 additional district judge for the district
14 of Nevada;

15 (16) 1 additional district judge for the district
16 of New Mexico;

17 (17) 3 additional district judges for the eastern
18 district of New York;

19 (18) 1 additional district judge for the western
20 district of New York;

21 (19) 1 additional district judge for the district
22 of Oregon;

23 (20) 1 additional district judge for the district
24 of South Carolina;

1 (21) 3 additional district judges for the south-
2 ern district of Texas;

3 (22) 2 additional district judges for the eastern
4 district of Virginia; and

5 (23) 1 additional district judge for the western
6 district of Washington.

7 (b) TEMPORARY JUDGESHIPS.—

8 (1) IN GENERAL.—The President shall appoint,
9 by and with the advice and consent of the Senate—

10 (A) 1 additional district judge for the mid-
11 dle district of Alabama;

12 (B) 1 additional district judge for the dis-
13 trict of Arizona;

14 (C) 1 additional district judge for the
15 northern district of California;

16 (D) 1 additional district judge for the dis-
17 trict of Colorado;

18 (E) 1 additional district judge for the mid-
19 dle district of Florida;

20 (F) 1 additional district judge for the
21 northern district of Iowa;

22 (G) 1 additional district judge for the dis-
23 trict of Minnesota;

24 (H) 1 additional district judge for the dis-
25 trict of New Jersey;

1 (I) 1 additional district judge for the dis-
2 trict of New Mexico;

3 (J) 1 additional district judge for the
4 southern district of Ohio;

5 (K) 1 additional district judge for the dis-
6 trict of Oregon; and

7 (L) 1 additional district judge for the dis-
8 trict of Utah.

9 (2) VACANCIES NOT FILLED.—The first va-
10 cancy in the office of district judge in each of the
11 judicial districts named in paragraph (1) occurring
12 10 years or more after the confirmation date of the
13 judge named to fill the district judgeship created in
14 that district by paragraph (1) shall not be filled.

15 (c) EXISTING JUDGESHIPS.—

16 (1) PERMANENT JUDGESHIPS.—The existing
17 judgeships for the district of Hawaii, the district of
18 Kansas, and the eastern district of Missouri author-
19 ized by section 203(c) of the Judicial Improvements
20 Act of 1990 (Public Law 101–650; 28 U.S.C. 133
21 note) shall, as of the effective date of this Act, be
22 authorized under section 133 of title 28, United
23 States Code, and the incumbents in those offices
24 shall hold the office under section 133 of title 28,
25 United States Code, as amended by this Act.

1 (2) EXTENSION OF TEMPORARY JUDGESHIP.—
 2 Section 203(c) of the Judicial Improvements Act of
 3 1990 (Public Law 101–650; 28 U.S.C. 133 note) is
 4 amended in the fifth sentence (relating to the north-
 5 ern district of Ohio) by striking “15 years” and in-
 6 serting “20 years”.

7 (d) TABLES.—In order that the table contained in
 8 section 133 of title 28, United States Code, will, with re-
 9 spect to each judicial district, reflect the changes in the
 10 total number of permanent district judgeships authorized
 11 under subsections (a) and (c) of this section, such table
 12 is amended to read as follows:

“Districts	Judges
“Alabama:	
“Northern	8
“Middle	3
“Southern	3
“Alaska	3
“Arizona	16
“Arkansas:	
“Eastern	5
“Western	3
“California:	
“Northern	17
“Eastern	10
“Central	31
“Southern	14
“Colorado	8
“Connecticut	8
“Delaware	4
“District of Columbia	15
“Florida:	
“Northern	4
“Middle	19
“Southern	20
“Georgia:	
“Northern	11
“Middle	4
“Southern	3
“Hawaii	4
“Idaho	3

“Illinois:	
“Northern	23
“Central	4
“Southern	4
“Indiana:	
“Northern	5
“Southern	6
“Iowa:	
“Northern	2
“Southern	3
“Kansas	6
“Kentucky:	
“Eastern	5
“Western	4
“Eastern and Western	1
“Louisiana:	
“Eastern	12
“Middle	3
“Western	7
“Maine	3
“Maryland	10
“Massachusetts	13
“Michigan:	
“Eastern	15
“Western	4
“Minnesota	7
“Mississippi:	
“Northern	3
“Southern	6
“Missouri:	
“Eastern	7
“Western	6
“Eastern and Western	2
“Montana	3
“Nebraska	4
“Nevada	8
“New Hampshire	3
“New Jersey	17
“New Mexico	7
“New York:	
“Northern	5
“Southern	28
“Eastern	18
“Western	5
“North Carolina:	
“Eastern	4
“Middle	4
“Western	4
“North Dakota	2
“Ohio:	
“Northern	11
“Southern	8
“Oklahoma:	
“Northern	3
“Eastern	1

“Western	6
“Northern, Eastern, and Western	1
“Oregon	7
“Pennsylvania:	
“Eastern	22
“Middle	6
“Western	10
“Puerto Rico	7
“Rhode Island	3
“South Carolina	11
“South Dakota	3
“Tennessee:	
“Eastern	5
“Middle	4
“Western	5
“Texas:	
“Northern	12
“Southern	22
“Eastern	7
“Western	13
“Utah	5
“Vermont	2
“Virginia:	
“Eastern	13
“Western	4
“Washington:	
“Eastern	4
“Western	8
“West Virginia:	
“Northern	3
“Southern	5
“Wisconsin:	
“Eastern	5
“Western	2
“Wyoming	3”.

1 **SEC. 104. ESTABLISHMENT OF ARTICLE III COURT IN THE**
2 **VIRGIN ISLANDS.**

3 (a) ESTABLISHMENT OF JUDICIAL DISTRICT.—

4 (1) VIRGIN ISLANDS.—Chapter 5 of title 28,
5 United States Code, is amended by inserting after
6 section 126 the following new section:

7 **“§ 126A. Virgin Islands**

8 “The Virgin Islands constitutes 1 judicial district
9 comprising 2 divisions.

1 “(1) The Saint Croix Division comprises the Is-
2 land of Saint Croix and adjacent islands and cays.

3 “Court for the Saint Croix Division shall
4 be held at Christiansted.

5 “(2) The Saint Thomas and Saint John Divi-
6 sion comprises the Islands of Saint Thomas and
7 Saint John and adjacent islands and cays.

8 “Court for the Saint Thomas and Saint
9 John Division shall be held at Charlotte-
10 Amalie.”.

11 (2) TECHNICAL AND CONFORMING AMEND-
12 MENT.—The table of contents for chapter 5 of title
13 28, United States Code, is amended by inserting
14 after the item relating to section 126 the following:

“126A. Virgin Islands.”.

15 (b) NUMBER OF JUDGES.—The table contained in
16 section 133(a) of title 28, United States Code, is amended
17 by inserting after the item relating to Vermont the fol-
18 lowing:

“Virgin Islands 2”.

19 (c) BANKRUPTCY JUDGES.—The table contained in
20 section 152(a)(2) of title 28, United States Code, is
21 amended by inserting after the item relating to Vermont
22 the following:

“Virgin Islands 0”.

1 (d) JUDICIAL CONFERENCES OF CIRCUITS.—Section
2 333 of title 28, United States Code, is amended in the
3 third sentence of the first undesignated paragraph—

4 (1) by striking “, the District Court of the Vir-
5 gin Islands,”; and

6 (2) by striking “to the conferences of their re-
7 spective circuits” and inserting “to the conference of
8 the ninth circuit”.

9 (e) JUDGES IN TERRITORIES AND POSSESSIONS.—
10 Section 373 of title 28, United States Code, is amended—

11 (1) in subsection (a), by striking “, the District
12 Court of the Northern Mariana Islands, or the Dis-
13 trict Court of the Virgin Islands” and inserting “or
14 the District Court of the Northern Mariana Is-
15 lands”; and

16 (2) in subsection (e), by striking “, the District
17 Court of the Northern Mariana Islands, or the Dis-
18 trict Court of the Virgin Islands” and inserting “or
19 the District Court of the Northern Mariana Is-
20 lands”.

21 (f) ANNUITIES FOR SURVIVORS OF CERTAIN JUDI-
22 CIAL OFFICIALS OF THE UNITED STATES.—Section
23 376(a) of title 28, United States Code, is amended—

24 (1) in paragraph (1)(B), by striking “, the Dis-
25 trict Court of the Northern Mariana Islands, or the

1 District Court of the Virgin Islands” and inserting
2 “or the District Court of the Northern Mariana Is-
3 lands”; and

4 (2) in paragraph (2)(B), by striking “, the Dis-
5 trict Court of the Northern Mariana Islands, or the
6 District Court of the Virgin Islands” and inserting
7 “or the District Court of the Northern Mariana Is-
8 lands”.

9 (g) AUTHORITY OF ATTORNEY GENERAL.—Section
10 526(a)(2) of title 28, United States Code, is amended by
11 striking “and of the district court of the Virgin Islands”.

12 (h) COURTS DEFINED.—Section 610 of title 28,
13 United States Code, is amended—

14 (1) by striking “the United States District
15 Court for the District of the Canal Zone,”; and

16 (2) by striking “the District Court of the Virgin
17 Islands,”.

18 (i) UNITED STATES MAGISTRATE JUDGES.—Section
19 631(a) of title 28, United States Code, is amended—

20 (1) in the first sentence, by striking “the Virgin
21 Islands, Guam,” and inserting “Guam”; and

22 (2) in the second sentence, by striking “the Vir-
23 gin Islands, Guam,” and inserting “Guam”.

24 (j) COURT REPORTERS.—Section 753(a) of title 28,
25 United States Code, is amended by striking “, the United

1 States District Court for the District of the Canal Zone,
2 the District Court of Guam, and the District Court of the
3 Virgin Islands” and inserting “and the District Court of
4 Guam”.

5 (k) FINAL DECISIONS OF DISTRICT COURTS.—Sec-
6 tion 1291 of title 28, United States Code, is amended by
7 striking “, the United States District Court for the Dis-
8 trict of the Canal Zone, the District Court of Guam, and
9 the District Court of the Virgin Islands,” and inserting
10 “and the District Court of Guam,”.

11 (l) INTERLOCUTORY DECISIONS.—Section 1292 of
12 title 28, United States Code, is amended—

13 (1) in subsection (a), by striking “, the United
14 States District Court for the District of the Canal
15 Zone, the District Court of Guam, and the District
16 Court of the Virgin Islands,” and inserting “and the
17 District Court of Guam,”; and

18 (2) in subsection (d)(4)(A), by striking “the
19 District Court of the Virgin Islands,”.

20 (m) JURISDICTION OF THE UNITED STATES COURT
21 OF APPEALS FOR THE FEDERAL CIRCUIT.—Section
22 1295(a) of title 28, United States Code, is amended in
23 paragraphs (1) and (2)—

24 (1) by striking “the United States District
25 Court for the District of the Canal Zone,”; and

1 (2) by striking “the District Court of the Virgin
2 Islands,”.

3 (n) UNITED STATES AS DEFENDANT.—Section
4 1346(b)(1) of title 28, United States Code, is amended
5 by striking “, together with the United States District
6 Court for the District of the Canal Zone and the District
7 Court of the Virgin Islands,”.

8 (o) ADEQUATE REPRESENTATION OF DEFEND-
9 ANTS.—Section 3006A(j) of title 18, United States Code,
10 is amended by striking “the District Court of the Virgin
11 Islands,”.

12 (p) SAVINGS PROVISIONS.—

13 (1) TENURE OF INCUMBENT JUDGES.—A judge
14 of the District Court of the Virgin Islands in office
15 on the effective date of this section shall continue in
16 office until the expiration of the term for which the
17 judge was appointed, or until the judge dies, resigns,
18 or is removed from office, whichever occurs first.
19 When a vacancy occurs on the court on or after the
20 effective date of this section, the President, in ac-
21 cordance with section 133(a) of title 28, United
22 States Code, shall appoint, by and with the advice
23 and consent of the Senate, a district judge for the
24 District of the Virgin Islands.

1 (2) RETIREMENT RIGHTS AND BENEFITS.—The
2 amendments made by this section shall not affect
3 the rights under sections 373 and 376 of title 28,
4 United States Code, of any judge of the District
5 Court of the Virgin Islands who retires on or before
6 the effective date of this section or who continues in
7 office after that date under paragraph (1) of this
8 subsection. Service as a judge of the District Court
9 of the Virgin Islands appointed under section 24 of
10 the Revised Organic Act of the Virgin Islands (48
11 U.S.C. 1614) shall be included in calculating service
12 under sections 371 and 372 of title 28, United
13 States Code, and shall not be counted for purposes
14 of section 373 of that title, if the judge is re-
15 appointed, after the effective date of this section,
16 under section 133(a) of title 28, United States Code,
17 as district judge for the District of the Virgin Is-
18 lands.

19 (q) AMENDMENTS TO REVISED ORGANIC ACT OF
20 THE VIRGIN ISLANDS.—

21 (1) REPEALS.—Sections 24, 25, 26, and 27 of
22 the Revised Organic Act of the Virgin Islands (48
23 U.S.C. 1614, 1615, 1616 and 1617) are repealed.

24 (2) RIGHTS AND PROHIBITIONS.—Section 3 of
25 the Revised Organic Act of the Virgin Islands (48

1 U.S.C. 1561) is amended in the 23d undesignated
2 paragraph—

3 (A) by inserting “article III;” after “sec-
4 tion 9, clauses 2 and 3;” and

5 (B) by striking “That all offenses against
6 the laws of the United States” and all that fol-
7 lows through “section 22(b) of this Act or” and
8 inserting “That all offenses against the laws of
9 the Virgin Islands which are prosecuted”.

10 (3) JURISDICTION.—Section 21 of the Revised
11 Organic Act of the Virgin Islands (48 U.S.C. 1611)
12 is amended to read as follows:

13 **“SEC. 21. JURISDICTION OF THE COURTS OF THE VIRGIN**
14 **ISLANDS.**

15 “(a) JURISDICTION OF THE COURTS OF THE VIRGIN
16 ISLANDS.—The judicial power of the Virgin Islands shall
17 be vested in such trial and appellate courts as may have
18 been or may hereafter be established by local law. The
19 local courts of the Virgin Islands shall have jurisdiction
20 over all causes of action in the Virgin Islands over which
21 any court established by the Constitution and laws of the
22 United States does not have exclusive jurisdiction.

23 “(b) PRACTICE AND PROCEDURE.—The rules gov-
24 erning the practice and procedure of the courts established
25 by local law and those prescribing the qualifications and

1 duties of the judges and officers thereof, oaths and bonds,
2 and the times and places of holding court shall be gov-
3 erned by local law or the rules promulgated by those
4 courts.”.

5 (4) INCOME TAX MATTERS.—Section 22 of the
6 Revised Organic Act of the Virgin Islands (48
7 U.S.C. 1612) is amended to read as follows:

8 **“SEC. 22. JURISDICTION OVER INCOME TAX MATTERS.**

9 “The United States District Court for the District
10 of the Virgin Islands shall have exclusive jurisdiction over
11 all criminal and civil proceedings in the Virgin Islands
12 with respect to the income tax laws applicable to the Vir-
13 gin Islands, except the ancillary laws relating to the in-
14 come tax enacted by the legislature of the Virgin Islands.
15 Any act or failure to act with respect to the income tax
16 laws applicable to the Virgin Islands which would con-
17 stitute a criminal offense described in chapter 75 of sub-
18 title F of the Internal Revenue Code of 1986 shall con-
19 stitute an offense against the Government of the Virgin
20 Islands and may be prosecuted in the name of the Govern-
21 ment of the Virgin Islands by the appropriate officers
22 thereof in the United States District Court for the District
23 of the Virgin Islands without the request or consent of
24 the United States attorney for the Virgin Islands.”.

1 (5) APPELLATE JURISDICTION.—Section 23A of
2 the Revised Organic Act of the Virgin Islands (48
3 U.S.C. 1613a) is amended—

4 (A) by striking “District Court of the Vir-
5 gin Islands” each place it appears and inserting
6 “United States District Court for the District
7 of the Virgin Islands”; and

8 (B) in subsection (b), by striking “pursu-
9 ant to section 24(a) of this Act: *Provided*, That
10 no more than one of them may be a judge of
11 a court established by local law.” and inserting
12 “pursuant to chapter 13 of title 28, United
13 States Code, or a recalled senior judge of the
14 former District Court of the Virgin Islands.
15 The chief judge of the United States Court of
16 Appeals for the Third Circuit may assign to the
17 appellate division a judge of a court of record
18 of the Virgin Islands, except that no more than
19 1 of the judges sitting in the appellate division
20 at any session may be a judge of a court estab-
21 lished by local law.”.

22 (r) ADDITIONAL REFERENCES.—Any reference in
23 any provision of law to the “District Court of the Virgin
24 Islands” shall, on and after the effective date of this sec-

1 tion, be deemed to be a reference to the United States
2 District Court for the District of the Virgin Islands.

3 (s) **EFFECTIVE DATE.**—This section and the amend-
4 ments made by this section shall take effect at the end
5 of the 90-day period beginning on the date of the enact-
6 ment of this Act. Any complaint or proceeding pending
7 in the District Court of the Virgin Islands on the effective
8 date of this section may be pursued to final determination
9 in the United States District Court for the District of the
10 Virgin Islands, the United States Court of Appeals for the
11 Third Circuit, the United States Court of Appeals for the
12 Federal Circuit, and the Supreme Court of the United
13 States.

14 **SEC. 105. EFFECTIVE DATE.**

15 Except as provided in section 104(s), this title and
16 the amendments made by this title shall take effect on
17 the date of the enactment of this Act.

18 **TITLE II—BANKRUPTCY**
19 **JUDGESHIPS**

20 **SEC. 201. SHORT TITLE.**

21 This title may be cited as the “Enhanced Bankruptcy
22 Judgeship Act of 2005”.

1 **SEC. 202. AUTHORIZATION FOR ADDITIONAL BANKRUPTCY**
2 **JUDGESHIPS.**

3 The following judgeships shall be filled in the manner
4 prescribed in section 152(a)(1) of title 28, United States
5 Code, for the appointment of bankruptcy judges provided
6 for in section 152(a)(2) of such title:

7 (1) 1 additional bankruptcy judgeship for the
8 eastern and western districts of Arkansas.

9 (2) 1 additional bankruptcy judgeship for the
10 eastern district of California.

11 (3) 2 additional bankruptcy judgeships for the
12 middle district of Florida.

13 (4) 2 additional bankruptcy judgeships for the
14 northern district of Georgia.

15 (5) 1 additional bankruptcy judgeship for the
16 southern district of Georgia.

17 (6) 1 additional bankruptcy judgeship for the
18 eastern district of Kentucky.

19 (7) 1 additional bankruptcy judgeship for the
20 district of Maryland.

21 (8) 3 additional bankruptcy judgeships for the
22 eastern district of Michigan.

23 (9) 1 additional bankruptcy judgeship for the
24 southern district of New York.

25 (10) 1 additional bankruptcy judgeship for the
26 western district of Pennsylvania.

1 (11) 1 additional bankruptcy judgeship for the
2 western district of Tennessee.

3 (12) 1 additional bankruptcy judgeship for the
4 eastern district of Texas.

5 (13) 1 additional bankruptcy judgeship for the
6 district of Utah.

7 **SEC. 203. TEMPORARY BANKRUPTCY JUDGESHIPS.**

8 (a) AUTHORIZATION FOR ADDITIONAL TEMPORARY
9 BANKRUPTCY JUDGESHIPS.—The following judgeships
10 shall be filled in the manner prescribed in section
11 152(a)(1) of title 28, United States Code, for the appoint-
12 ment of bankruptcy judges provided for in section
13 152(a)(2) of such title:

14 (1) 1 additional bankruptcy judgeship for the
15 northern district of Florida.

16 (2) 2 additional bankruptcy judgeships for the
17 middle district of Florida.

18 (3) 1 additional bankruptcy judgeship for the
19 northern district of Indiana.

20 (4) 1 additional bankruptcy judgeship for the
21 northern district of Mississippi.

22 (5) 1 additional bankruptcy judgeship for the
23 district of Nevada.

24 (6) 1 additional bankruptcy judgeship for the
25 western district of North Carolina.

1 (7) 1 additional bankruptcy judgeship for the
2 southern district of Ohio.

3 (b) VACANCIES.—

4 (1) DISTRICTS WITH SINGLE APPOINTMENTS.—

5 Except as provided in paragraph (2), the first va-
6 cancy occurring in the office of bankruptcy judge in
7 each of the judicial districts set forth in subsection

8 (a)—

9 (A) occurring 5 years or more after the ap-
10 pointment date of the bankruptcy judge ap-
11 pointed under subsection (a) to such office, and

12 (B) resulting from the death, retirement,
13 resignation, or removal of a bankruptcy judge,
14 shall not be filled.

15 (2) MIDDLE DISTRICT OF FLORIDA.—The 1st
16 and 2d vacancies in the office of bankruptcy judge
17 in the middle district of Florida—

18 (A) occurring 5 years or more after the re-
19 spective 1st and 2d appointment dates of the
20 bankruptcy judges appointed under subsection
21 (a)(2), and

22 (B) resulting from the death, retirement,
23 resignation, or removal of a bankruptcy judge,
24 shall not be filled.

1 (c) ELIGIBILITY FOR SUBSEQUENT APPOINT-
2 MENTS.—A judge holding office in any of the districts
3 enumerated in subsection (a) shall, at the expiration of
4 the term of the judge (other than by reason of paragraph
5 (1)(B) or (2)(B) of subsection (b)) be eligible for re-
6 appointment as a bankruptcy judge in that district.

7 **SEC. 204. CONVERSION OF EXISTING TEMPORARY BANK-**
8 **RUPTCY JUDGESHIPS.**

9 (a) JUDGESHIPS AUTHORIZED BY PUBLIC LAW 102–
10 361.—The following temporary bankruptcy judgeships au-
11 thorized by the following paragraphs of section 3(a) of
12 Public Law 102–361, as amended by section 307 of Public
13 Law 104–317 (28 U.S.C. 152 note), are converted to per-
14 manent bankruptcy judgeships under section 152(a)(2) of
15 title 28, United States Code:

16 (1) The temporary bankruptcy judgeship for
17 the district of Delaware authorized by paragraph
18 (3).

19 (2) The temporary bankruptcy judgeship for
20 the southern district of Illinois authorized by para-
21 graph (4).

22 (3) The temporary bankruptcy judgeship for
23 the district of Puerto Rico authorized by paragraph
24 (7).

1 (b) JUDGESHIPS AUTHORIZED BY PUBLIC LAW 109–
2 8.—The following temporary bankruptcy judgeships au-
3 thorized by the following subparagraphs of section
4 1223(b)(1) of the Bankruptcy Abuse Prevention and Con-
5 sumer Protection Act of 2005 (Public Law 109–8), are
6 converted to permanent bankruptcy judgeships under sec-
7 tion 152(a)(2) of title 28, United States Code:

8 (1) The 4 temporary bankruptcy judgeships for
9 the district of Delaware authorized by subparagraph
10 (C).

11 (2) The temporary bankruptcy judgeship for
12 the southern district of Georgia authorized by sub-
13 paragraph (E).

14 (3) One of the 3 temporary bankruptcy judge-
15 ships for the district of Maryland authorized by sub-
16 paragraph (F).

17 (4) The temporary bankruptcy judgeship for
18 the eastern district of Michigan authorized by sub-
19 paragraph (G).

20 (5) The temporary bankruptcy judgeship for
21 the district of New Jersey authorized by subpara-
22 graph (I).

23 (6) The temporary bankruptcy judgeship for
24 the northern district of New York authorized by sub-
25 paragraph (K).

1 (7) The temporary bankruptcy judgeship for
 2 the southern district of New York authorized by sub-
 3 paragraph (L).

4 (8) The temporary bankruptcy judgeship for
 5 the eastern district of North Carolina authorized by
 6 subparagraph (M).

7 (9) The temporary bankruptcy judgeship for
 8 the eastern district of Pennsylvania authorized by
 9 subparagraph (N).

10 (10) The temporary bankruptcy judgeship for
 11 the district of South Carolina authorized by sub-
 12 paragraph (S).

13 (11) The temporary bankruptcy judgeship for
 14 the western district of Tennessee authorized by sub-
 15 paragraph (Q).

16 **SEC. 205. GENERAL PROVISIONS.**

17 (a) AMENDMENT TO TABLE OF JUDGESHIPS.—In
 18 order that the table contained in section 152(a)(2) of title
 19 28, United States Code, will, with respect to each judicial
 20 district, reflect the changes in the total number of bank-
 21 ruptcy judgeships authorized under sections 202 and 204,
 22 such table is amended to read as follows:

“Districts	Judges
“Alabama:	
“Northern	5
“Middle	2
“Southern	2
“Alaska	2
“Arizona	7

“Arkansas:	
“Eastern and Western	4
“California:	
“Northern	9
“Eastern	7
“Central	21
“Southern	4
“Colorado	5
“Connecticut	3
“Delaware	6
“District of Columbia	1
“Florida:	
“Northern	1
“Middle	10
“Southern	5
“Georgia:	
“Northern	10
“Middle	3
“Southern	4
“Hawaii	1
“Idaho	2
“Illinois:	
“Northern	10
“Central	3
“Southern	2
“Indiana:	
“Northern	3
“Southern	4
“Iowa:	
“Northern	2
“Southern	2
“Kansas	4
“Kentucky:	
“Eastern	3
“Western	3
“Louisiana:	
“Eastern	2
“Middle	1
“Western	3
“Maine	2
“Maryland	6
“Massachusetts	5
“Michigan:	
“Eastern	8
“Western	3
“Minnesota	4
“Mississippi:	
“Northern	1
“Southern	2
“Missouri:	
“Eastern	3
“Western	3
“Montana	1
“Nebraska	2
“Nevada	3

“New Hampshire	1
“New Jersey	9
“New Mexico	2
“New York:	
“Northern	3
“Southern	11
“Eastern	6
“Western	3
“North Carolina:	
“Eastern	3
“Middle	2
“Western	2
“North Dakota	1
“Ohio:	
“Northern	8
“Southern	7
“Oklahoma:	
“Northern	2
“Eastern	1
“Western	3
“Oregon	5
“Pennsylvania:	
“Eastern	6
“Middle	2
“Western	5
“Puerto Rico	3
“Rhode Island	1
“South Carolina	3
“South Dakota	2
“Tennessee:	
“Eastern	3
“Middle	3
“Western	6
“Texas:	
“Northern	6
“Eastern	3
“Southern	6
“Western	4
“Utah	4
“Vermont	1
“Virgin Islands	0
“Virginia:	
“Eastern	5
“Western	3
“Washington:	
“Eastern	2
“Western	5
“West Virginia:	
“Northern	1
“Southern	1
“Wisconsin:	
“Eastern	4
“Western	2
“Wyoming	1”.

1 (b) SENSE OF CONGRESS.—It is the sense of the
2 Congress that bankruptcy judges in the eastern district
3 of California should conduct bankruptcy proceedings on
4 a daily basis in Bakersfield, California.

5 **SEC. 206. EFFECTIVE DATE.**

6 This title and the amendments made by this title
7 shall take effect on the date of the enactment of this Act.

8 **TITLE III—NINTH CIRCUIT**
9 **REORGANIZATION**

10 **SEC. 301. SHORT TITLE.**

11 This title may be cited as the “Circuit Court of Ap-
12 peals Restructuring and Modernization Act of 2005”.

13 **SEC. 302. DEFINITIONS.**

14 In this title:

15 (1) FORMER NINTH CIRCUIT.—The term
16 “former ninth circuit” means the ninth judicial cir-
17 cuit of the United States as in existence on the day
18 before the effective date of this title.

19 (2) NEW NINTH CIRCUIT.—The term “new
20 ninth circuit” means the ninth judicial circuit of the
21 United States established by the amendment made
22 by section 303(2)(A).

23 (3) TWELFTH CIRCUIT.—The term “twelfth cir-
24 cuit” means the twelfth judicial circuit of the United

1 States established by the amendment made by sec-
2 tion 303(2)(B).

3 **SEC. 303. NUMBER AND COMPOSITION OF CIRCUITS.**

4 Section 41 of title 28, United States Code, is amend-
5 ed—

6 (1) in the matter preceding the table, by strik-
7 ing “thirteen” and inserting “fourteen”; and

8 (2) in the table—

9 (A) by striking the item relating to the
10 ninth circuit and inserting the following:

“Ninth California, Guam, Hawaii, Northern
Mariana Islands.”;

11 and

12 (B) by inserting after the item relating to
13 the eleventh circuit the following:

“Twelfth Alaska, Arizona, Idaho, Montana, Ne-
vada, Oregon, Washington.”.

14 **SEC. 304. JUDGESHIPS.**

15 (a) NEW JUDGESHIPS.—The President shall appoint,
16 by and with the advice and consent of the Senate, 5 addi-
17 tional circuit judges for the new ninth circuit court of ap-
18 peals, whose official duty station shall be in California.

19 (b) TEMPORARY JUDGESHIPS.—

20 (1) APPOINTMENT OF JUDGES.—The President
21 shall appoint, by and with the advice and consent of
22 the Senate, 2 additional circuit judges for the former

1 ninth circuit court of appeals, whose official duty
2 stations shall be in California.

3 (2) EFFECT OF VACANCIES.—The first 2 vacan-
4 cies occurring on the new ninth circuit court of ap-
5 peals 10 years or more after judges are first con-
6 firmed to fill both temporary circuit judgeships cre-
7 ated by this subsection shall not be filled.

8 (c) EFFECTIVE DATE.—This section shall take effect
9 on the date of the enactment of this Act.

10 **SEC. 305. NUMBER OF CIRCUIT JUDGES.**

11 The table contained in section 44(a) of title 28,
12 United States Code, is amended—

13 (1) by striking the item relating to the ninth
14 circuit and inserting the following:

“Ninth 20”;

15 and

16 (2) by inserting after the item relating to the
17 eleventh circuit the following:

“Twelfth 14”.

18 **SEC. 306. PLACES OF CIRCUIT COURT.**

19 The table contained in section 48(a) of title 28,
20 United States Code, is amended—

21 (1) by striking the item relating to the ninth
22 circuit and inserting the following:

“Ninth Honolulu, Pasadena, San Fran-
cisco.”;

1 and

2 (2) by inserting after the item relating to the
3 eleventh circuit the following:

“Twelfth Las Vegas, Missoula, Phoenix, Port-
land, Seattle.”.

4 **SEC. 307. ASSIGNMENT OF CIRCUIT JUDGES.**

5 Each circuit judge of the former ninth circuit who
6 is in regular active service and whose official duty station
7 on the day before the effective date of this title—

8 (1) is in California, Guam, Hawaii, or the
9 Northern Mariana Islands shall be a circuit judge of
10 the new ninth circuit as of such effective date; and

11 (2) is in Alaska, Arizona, Idaho, Montana, Ne-
12 vada, Oregon, or Washington shall be a circuit judge
13 of the twelfth circuit as of such effective date.

14 **SEC. 308. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.**

15 Each judge who is a senior circuit judge of the former
16 ninth circuit on the day before the effective date of this
17 title may elect to be assigned to the new ninth circuit or
18 the twelfth circuit as of such effective date and shall notify
19 the Director of the Administrative Office of the United
20 States Courts of such election.

21 **SEC. 309. SENIORITY OF JUDGES.**

22 The seniority of each judge—

23 (1) who is assigned under section 307, or

24 (2) who elects to be assigned under section 308,

1 shall run from the date of commission of such judge as
2 a judge of the former ninth circuit.

3 **SEC. 310. APPLICATION TO CASES.**

4 The following apply to any case in which, on the day
5 before the effective date of this title, an appeal or other
6 proceeding has been filed with the former ninth circuit:

7 (1) Except as provided in paragraph (3), if the
8 matter has been submitted for decision, further pro-
9 ceedings with respect to the matter shall be had in
10 the same manner and with the same effect as if this
11 title had not been enacted.

12 (2) If the matter has not been submitted for de-
13 cision, the appeal or proceeding, together with the
14 original papers, printed records, and record entries
15 duly certified, shall, by appropriate orders, be trans-
16 ferred to the court to which the matter would have
17 been submitted had this title been in full force and
18 effect at the time such appeal was taken or other
19 proceeding commenced, and further proceedings with
20 respect to the case shall be had in the same manner
21 and with the same effect as if the appeal or other
22 proceeding had been filed in such court.

23 (3) If a petition for rehearing en banc is pend-
24 ing on or after the effective date of this title, the pe-
25 tition shall be considered by the court of appeals to

1 which it would have been submitted had this title
2 been in full force and effect at the time that the ap-
3 peal or other proceeding was filed with the court of
4 appeals.

5 **SEC. 311. TEMPORARY ASSIGNMENT OF CIRCUIT JUDGES**
6 **AMONG CIRCUITS.**

7 Section 291 of title 28, United States Code, is
8 amended by adding at the end the following:

9 “(c) The chief judge of the Ninth Circuit may, in the
10 public interest and upon request by the chief judge of the
11 Twelfth Circuit, designate and assign temporarily any cir-
12 cuit judge of the Ninth Circuit to act as circuit judge in
13 the Twelfth Circuit.

14 “(d) The chief judge of the Twelfth Circuit may, in
15 the public interest and upon request by the chief judge
16 of the Ninth Circuit, designate and assign temporarily any
17 circuit judge of the Twelfth Circuit to act as circuit judge
18 in the Ninth Circuit.”.

19 **SEC. 312. TEMPORARY ASSIGNMENT OF DISTRICT JUDGES**
20 **AMONG CIRCUITS.**

21 Section 292 of title 28, United States Code, is
22 amended by adding at the end the following:

23 “(f) The chief judge of the United States Court of
24 Appeals for the Ninth Circuit may in the public interest—

1 “(1) upon request by the chief judge of the
2 Twelfth Circuit, designate and assign 1 or more dis-
3 trict judges within the Ninth Circuit to sit upon the
4 Court of Appeals of the Twelfth Circuit, or a divi-
5 sion thereof, whenever the business of that court so
6 requires; and

7 “(2) designate and assign temporarily any dis-
8 trict judge within the Ninth Circuit to hold a district
9 court in any district within the Twelfth Circuit.

10 “(g) The chief judge of the United States Court of
11 Appeals for the Twelfth Circuit may in the public inter-
12 est—

13 “(1) upon request by the chief judge of the
14 Ninth Circuit, designate and assign 1 or more dis-
15 trict judges within the Twelfth Circuit to sit upon
16 the Court of Appeals of the Ninth Circuit, or a divi-
17 sion thereof, whenever the business of that court so
18 requires; and

19 “(2) designate and assign temporarily any dis-
20 trict judge within the Twelfth Circuit to hold a dis-
21 trict court in any district within the Ninth Circuit.

22 “(h) Any designations or assignments under sub-
23 section (f) or (g) shall be in conformity with the rules or
24 orders of the court of appeals of, or the district within,

1 as applicable, the circuit to which the judge is designated
2 or assigned.”.

3 **SEC. 313. ADMINISTRATION.**

4 The court of appeals for the ninth circuit as con-
5 stituted on the day before the effective date of this title
6 may take such administrative action as may be required
7 to carry out this title and the amendments made by this
8 title. Such court shall cease to exist for administrative pur-
9 poses 2 years after the date of enactment of this Act.

10 **SEC. 314. EFFECTIVE DATE.**

11 Except as provided in section 304(c), this title and
12 the amendments made by this title shall take effect 12
13 months after the date of enactment of this Act.

14 **TITLE IV—AUTHORIZATION OF**
15 **APPROPRIATIONS**

16 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated for each of
18 fiscal years 2006 through 2009 such sums as are nec-
19 essary to carry out this Act, including such sums as may
20 be necessary to provide appropriate space and facilities for
21 the judicial positions created by this Act. Funds appro-
22 priated pursuant to this section in any fiscal year shall
23 remain available until expended.

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