

Calendar No. 891

110TH CONGRESS
2D SESSION

S. 2774

[Report No. 110–427]

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

IN THE SENATE OF THE UNITED STATES

MARCH 13, 2008

Mr. LEAHY (for himself, Mr. HATCH, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. INOUE, Mr. MENENDEZ, Mrs. MURRAY, Mr. HARKIN, Mr. BINGAMAN, Mr. HAGEL, Mr. BROWN, Mr. SALAZAR, Mr. NELSON of Nebraska, Mr. MARTINEZ, Mr. AKAKA, Mr. LUGAR, Mr. GRAHAM, Ms. KLOBUCHAR, Mr. COLEMAN, Mr. BAYH, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JULY 21 (legislative day, JULY 17), 2008

Reported by Mr. LEAHY, without amendment

A BILL

To provide for the appointment of additional Federal circuit and district judges, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Judgeship Act
3 of 2008”.

4 **SEC. 2. CIRCUIT JUDGES FOR THE CIRCUIT COURTS OF AP-**
5 **PEALS.**

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

8 (1) 1 additional circuit judge for the first cir-
9 cuit court of appeals;

10 (2) 2 additional circuit judges for the second
11 circuit court of appeals;

12 (3) 2 additional circuit judges for the third cir-
13 cuit court of appeals;

14 (4) 1 additional circuit judge for the sixth cir-
15 cuit court of appeals;

16 (5) 2 additional circuit judges for the eighth
17 circuit court of appeals; and

18 (6) 4 additional circuit judges for the ninth cir-
19 cuit court of appeals.

20 (b) TEMPORARY JUDGESHIPS.—The President shall
21 appoint, by and with the advice and consent of the Senate,
22 2 additional circuit judges for the ninth circuit court of
23 appeals. The first 2 vacancies arising on the court 10
24 years or more after judges are first confirmed to fill both
25 temporary circuit judgeships created by this subsection
26 shall not be filled.

(c) TABLES.—In order that the table contained in section 44 of title 28, United States Code, will, with respect to each judicial circuit, reflect the changes in the total number of permanent circuit judgeships authorized as a result of subsection (a) of this section, such table is amended to read as follows:

“Circuits	Number of judges
District of Columbia	11
First	7
Second	15
Third	16
Fourth	15
Fifth	17
Sixth	17
Seventh	11
Eighth	13
Ninth	33
Tenth	12
Eleventh	12
Federal	12.”.

SEC. 3. DISTRICT JUDGES FOR THE DISTRICT COURTS.

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

(1) 4 additional district judges for the district of Arizona;

(2) 4 additional district judges for the central district of California;

(3) 4 additional district judges for the eastern district of California;

(4) 2 additional district judges for the northern district of California;

1 (5) 1 additional district judge for the district of
2 Colorado;

3 (6) 4 additional district judges for the middle
4 district of Florida;

5 (7) 2 additional district judges for the southern
6 district of Florida;

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

9 (9) 1 additional district judge for the district of
10 Minnesota;

11 (10) 1 additional district judge for the western
12 district of Missouri;

13 (11) 1 additional district judge for the district
14 of Nebraska;

15 (12) 1 additional district judge for the district
16 of New Mexico;

17 (13) 3 additional district judges for the eastern
18 district of New York;

19 (14) 1 additional district judge for the western
20 district of New York;

21 (15) 1 additional district judge for the district
22 of Oregon;

23 (16) 1 additional district judge for the district
24 of South Carolina;

1 (17) 1 additional district judge for the eastern
2 district of Texas;

3 (18) 2 additional district judges for the south-
4 ern district of Texas;

5 (19) 1 additional district judge for the western
6 district of Texas;

7 (20) 1 additional district judge for the eastern
8 district of Virginia; and

9 (21) 1 additional district judge for the western
10 district of Washington.

11 (b) TEMPORARY JUDGESHIPs.—The President shall
12 appoint, by and with the advice and consent of the Sen-
13 ate—

14 (1) 1 additional district judge for the middle
15 district of Alabama;

16 (2) 1 additional district judge for the district of
17 Arizona;

18 (3) 1 additional district judge for the central
19 district of California;

20 (4) 1 additional district judge for the northern
21 district of California;

22 (5) 1 additional district judge for the district of
23 Colorado;

24 (6) 1 additional district judge for the middle
25 district of Florida;

1 (7) 1 additional district judge for the southern
2 district of Florida;

3 (8) 1 additional district judge for the district of
4 Idaho;

5 (9) 1 additional district judge for the northern
6 district of Iowa;

7 (10) 1 additional district judge for the district
8 of Nevada;

9 (11) 1 additional district judge for the district
10 of New Jersey;

11 (12) 1 additional district judge for the district
12 of New Mexico;

13 (13) 1 additional district judge for the district
14 of Oregon; and

15 (14) 1 additional district judge for the district
16 of Utah.

17 For each of the judicial districts named in this subsection,
18 the first vacancy arising on the district court 10 years or
19 more after a judge is first confirmed to fill the temporary
20 district judgeship created in that district by this sub-
21 section shall not be filled.

22 (c) EXISTING JUDGESHIPS.—

23 (1) The existing judgeships for the district of
24 Hawaii, the district of Kansas, and the eastern dis-
25 trict of Missouri authorized by section 203(c) of the

1 Judicial Improvements Act of 1990 (Public Law
2 101–650; 104 Stat. 5089) as amended by Public
3 Law 105–53, and the existing judgeships for the dis-
4 trict of Arizona and the district of New Mexico au-
5 thorized by section 312(c) of the 21st Century De-
6 partment of Justice Appropriations Authorization
7 Act (Public Law 107–273, 116 Stat. 1758), as of
8 the effective date of this Act, shall be authorized
9 under section 133 of title 28, United States Code,
10 and the incumbents in those offices shall hold the of-
11 fice under section 133 of title 28, United States
12 Code, as amended by this Act.

13 (2) The existing judgeship for the northern dis-
14 trict of Ohio authorized by section 203(c) of the Ju-
15 dicial Improvements Act of 1990 (Public Law 101–
16 650, 104 Stat. 5089) as amended by Public Law
17 105–53, as of the effective date of this Act, shall be
18 extended. The first vacancy in the office of district
19 judge in this district occurring 20 years or more
20 after the confirmation date of the judge named to
21 fill the temporary judgeship created by section
22 302(c) shall not be filled.

23 (d) TABLES.—In order that the table contained in
24 section 133 of title 28, United States Code, will, with re-
25 spect to each judicial district, reflect the changes in the

- 1 total number of permanent district judgeships authorized
- 2 as a result of subsections (a) and (c) of this section, such
- 3 table is amended to read as follows:

“Districts	Judges
Alabama:	
Northern	7
Middle	3
Southern	3
Alaska	3
Arizona	17
Arkansas:	
Eastern	5
Western	3
California:	
Northern	16
Eastern	10
Central	31
Southern	13
Colorado	8
Connecticut	8
Delaware	4
District of Columbia	15
Florida:	
Northern	4
Middle	19
Southern	19
Georgia:	
Northern	11
Middle	4
Southern	3
Hawaii	4
Idaho	2
Illinois:	
Northern	22
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

“Districts	Judges
Western	7
Maine	3
Maryland	10
Massachusetts	13
Michigan:	
Eastern	15
Western	4
Minnesota	8
Mississippi:	
Northern	3
Southern	6
Missouri:	
Eastern	7
Western	6
Eastern and Western	2
Montana	3
Nebraska	4
Nevada	7
New Hampshire	3
New Jersey	17
New Mexico	8
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

“Districts	Judges
Southern	21
Eastern	8
Western	14
Utah	5
Vermont	2
Virginia:	
Eastern	12
Western	4
Washington:	
Eastern	4
Western	8
West Virginia:	
Northern	3
Southern	5
Wisconsin:	
Eastern	5
Western	2
Wyoming	3.”.

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as may be necessary to carry out the provisions of this
4 Act, including such sums as may be necessary to provide
5 appropriate space and facilities for the judicial positions
6 created by this Act.

7 **SEC. 5. EFFECTIVE DATE.**

8 (a) IN GENERAL.—This Act (including the amend-
9 ments made by this Act) shall take effect on January 21,
10 2009.

11 (b) COORDINATION RULE.—The amendments made
12 by this Act shall take effect after the amendment made
13 by section 509(a)(2) of the Court Security Improvement
14 Act of 2007 (Public Law 110–177; 121 Stat 2543).

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