

110TH CONGRESS
1ST SESSION

H. R. 3520

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

SEPTEMBER 10, 2007

Mr. SENSENBRENNER 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 2007”.

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. Number of circuit judges.
 Sec. 305. Places of circuit court.
 Sec. 306. Assignment of circuit judges.
 Sec. 307. Election of assignment by senior judges.
 Sec. 308. Seniority of judges.
 Sec. 309. Application to cases.
 Sec. 310. Temporary assignment of circuit judges among circuits.
 Sec. 311. Temporary assignment of district judges among circuits.
 Sec. 312. Administration.
 Sec. 313. 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 2007”.

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—

10 (1) 1 additional circuit judge for the first cir-
 11 cuit court of appeals;

1 (2) 2 additional circuit judges for the second
2 circuit court of appeals;

3 (3) 1 additional circuit judge for the sixth cir-
4 cuit court of appeals; and

5 (4) 5 additional circuit judges for the ninth cir-
6 cuit court of appeals, whose official duty station
7 shall be in California.

8 (b) TEMPORARY JUDGESHIPS.—

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

11 (A) 1 additional circuit judge for the
12 eighth circuit court of appeals; and

13 (B) 2 additional circuit judges for the
14 ninth circuit court of appeals, whose official
15 duty station shall be in California.

16 (2) VACANCIES.—

17 (A) EIGHTH CIRCUIT.—The first vacancy
18 in the office of circuit judge in the eighth cir-
19 cuit court of appeals, occurring 10 years or
20 more after the confirmation date of the judge
21 named to fill the circuit judgeship created in
22 that circuit by paragraph (1)(A) shall not be
23 filled.

24 (B) NINTH CIRCUIT.—The first 2 vacan-
25 cies in the office of circuit judge in the ninth

1 circuit court of appeals, occurring 10 years or
 2 more after judges are first confirmed to fill
 3 both temporary circuit judgeships created by
 4 paragraph (1)(B) shall not be filled.

5 (c) TABLE OF JUDGESHIPS.—In order that the table
 6 contained in section 44 of title 28, United States Code,
 7 will, with respect to each judicial circuit, reflect the
 8 changes in the total number of permanent circuit judge-
 9 ships authorized under subsection (a) of this section, such
 10 table is amended 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	33
Tenth	12
Eleventh	12
Federal	12”.

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

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

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

16 (2) 4 additional district judges for the district
 17 of Arizona;

1 (3) 3 additional district judges for the northern
2 district of California;

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

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

7 (6) 1 additional district judge for the southern
8 district of California;

9 (7) 1 additional district judge for the district of
10 Colorado;

11 (8) 4 additional district judges for the middle
12 district of Florida;

13 (9) 3 additional district judges for the southern
14 district of Florida;

15 (10) 1 additional district judge for the district
16 of Idaho;

17 (11) 1 additional district judge for the northern
18 district of Illinois;

19 (12) 1 additional district judge for the southern
20 district of Indiana;

21 (13) 1 additional district judge for the western
22 district of Missouri;

23 (14) 1 additional district judge for the district
24 of Nebraska;

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

3 (16) 1 additional district judge for the district
4 of New Mexico;

5 (17) 3 additional district judges for the eastern
6 district of New York;

7 (18) 1 additional district judge for the western
8 district of New York;

9 (19) 1 additional district judge for the district
10 of Oregon;

11 (20) 1 additional district judge for the district
12 of South Carolina;

13 (21) 3 additional district judges for the south-
14 ern district of Texas;

15 (22) 2 additional district judges for the eastern
16 district of Virginia; and

17 (23) 1 additional district judge for the western
18 district of Washington.

19 (b) TEMPORARY JUDGESHIPS.—

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

22 (A) 1 additional district judge for the mid-
23 dle district of Alabama;

24 (B) 1 additional district judge for the dis-
25 trict of Arizona;

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

3 (D) 1 additional district judge for the dis-
4 trict of Colorado;

5 (E) 1 additional district judge for the mid-
6 dle district of Florida;

7 (F) 1 additional district judge for the
8 northern district of Iowa;

9 (G) 1 additional district judge for the dis-
10 trict of Minnesota;

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

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

15 (J) 1 additional district judge for the
16 southern district of Ohio;

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

19 (L) 1 additional district judge for the dis-
20 trict of Utah.

21 (2) VACANCIES NOT FILLED.—The first va-
22 cancy in the office of district judge in each of the
23 judicial districts named in paragraph (1) occurring
24 10 years or more after the confirmation date of the

1 judge named to fill the district judgeship created in
2 that district by paragraph (1) shall not be filled.

3 (c) EXISTING JUDGESHIPS.—

4 (1) PERMANENT JUDGESHIPS.—The existing
5 judgeships for the district of Hawaii, the district of
6 Kansas, and the eastern district of Missouri author-
7 ized by section 203(c) of the Judicial Improvements
8 Act of 1990 (Public Law 101–650; 28 U.S.C. 133
9 note) shall, as of the effective date of this Act, be
10 authorized under section 133 of title 28, United
11 States Code, and the incumbents in those offices
12 shall hold the office under section 133 of title 28,
13 United States Code, as amended by this Act.

14 (2) EXTENSION OF TEMPORARY JUDGESHIP.—
15 Section 203(c) of the Judicial Improvements Act of
16 1990 (Public Law 101–650; 28 U.S.C. 133 note) is
17 amended in the fifth sentence (relating to the north-
18 ern district of Ohio) by striking “15 years” and in-
19 serting “20 years”.

20 (d) TABLE OF JUDGESHIPS.—In order that the table
21 contained in section 133(a) of title 28, United States
22 Code, will, with respect to each judicial district, reflect the
23 changes in the total number of permanent district judge-
24 ships authorized under subsections (a) and (c) of this sec-
25 tion, such table 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.

10 “(1) The Saint Croix Division comprises the Is-
 11 land of Saint Croix and adjacent islands and cays.
 12 Court for the Saint Croix Division shall be held at Chris-
 13 tiansted.

14 “(2) The Saint Thomas and Saint John Divi-
 15 sion comprises the Islands of Saint Thomas and
 16 Saint John and adjacent islands and cays.
 17 Court for the Saint Thomas and Saint John Division shall
 18 be held at Charlotte-Amalie.”.

19 (2) TECHNICAL AND CONFORMING AMEND-
 20 MENT.—The table of contents for chapter 5 of title

1 28, United States Code, is amended by inserting
2 after the item relating to section 126 the following:

“126A. Virgin Islands.”.

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

“Virgin Islands 2”.

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

“Virgin Islands 0”.

11 (d) JUDICIAL CONFERENCES OF CIRCUITS.—Section
12 333 of title 28, United States Code, is amended in the
13 third sentence of the first undesignated paragraph—

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

16 (2) by striking “to the conferences of their re-
17 spective circuits” and inserting “to the conference of
18 the ninth circuit”.

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

21 (1) in subsection (a), by striking “, the District
22 Court of the Northern Mariana Islands, or the Dis-
23 trict Court of the Virgin Islands” and inserting “or

1 the District Court of the Northern Mariana Is-
2 lands”; and

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

8 (f) ANNUITIES FOR SURVIVORS OF CERTAIN JUDI-
9 CIAL OFFICIALS OF THE UNITED STATES.—Section
10 376(a) of title 28, United States Code, is amended—

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

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

21 (g) AUTHORITY OF ATTORNEY GENERAL.—Section
22 526(a)(2) of title 28, United States Code, is amended by
23 striking “and of the district court of the Virgin Islands”.

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

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

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

5 (i) UNITED STATES MAGISTRATE JUDGES.—Section
6 631(a) of title 28, United States Code, is amended—

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

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

11 (j) COURT REPORTERS.—Section 753(a) of title 28,
12 United States Code, is amended by striking “, the United
13 States District Court for the District of the Canal Zone,
14 the District Court of Guam, and the District Court of the
15 Virgin Islands” and inserting “and the District Court of
16 Guam”.

17 (k) FINAL DECISIONS OF DISTRICT COURTS.—Sec-
18 tion 1291 of title 28, United States Code, is amended by
19 striking “, the United States District Court for the Dis-
20 trict of the Canal Zone, the District Court of Guam, and
21 the District Court of the Virgin Islands,” and inserting
22 “and the District Court of Guam,”.

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

1 (1) in subsection (a), by striking “, the United
2 States District Court for the District of the Canal
3 Zone, the District Court of Guam, and the District
4 Court of the Virgin Islands,” and inserting “and the
5 District Court of Guam,”; and

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

8 (m) JURISDICTION OF THE UNITED STATES COURT
9 OF APPEALS FOR THE FEDERAL CIRCUIT.—Section
10 1295(a) of title 28, United States Code, is amended in
11 paragraphs (1) and (2)—

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

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

16 (n) UNITED STATES AS DEFENDANT.—Section
17 1346(b)(1) of title 28, United States Code, is amended
18 by striking “, together with the United States District
19 Court for the District of the Canal Zone and the District
20 Court of the Virgin Islands,”.

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

25 (p) SAVINGS PROVISIONS.—

1 (1) TENURE OF INCUMBENT JUDGES.—A judge
2 of the District Court of the Virgin Islands in office
3 on the effective date of this section shall continue in
4 office until the expiration of the term for which the
5 judge was appointed, or until the judge dies, resigns,
6 or is removed from office, whichever occurs first.
7 When a vacancy occurs on the court on or after the
8 effective date of this section, the President, in ac-
9 cordance with section 133(a) of title 28, United
10 States Code, shall appoint, by and with the advice
11 and consent of the Senate, a district judge for the
12 District of the Virgin Islands.

13 (2) RETIREMENT RIGHTS AND BENEFITS.—The
14 amendments made by this section shall not affect
15 the rights under sections 373 and 376 of title 28,
16 United States Code, of any judge of the District
17 Court of the Virgin Islands who retires on or before
18 the effective date of this section or who continues in
19 office after that date under paragraph (1) of this
20 subsection. Service as a judge of the District Court
21 of the Virgin Islands appointed under section 24 of
22 the Revised Organic Act of the Virgin Islands (48
23 U.S.C. 1614) shall be included in calculating service
24 under sections 371 and 372 of title 28, United
25 States Code, and shall not be counted for purposes

1 of section 373 of that title, if the judge is re-
2 appointed, after the effective date of this section,
3 under section 133(a) of title 28, United States Code,
4 as district judge for the District of the Virgin Is-
5 lands.

6 (q) AMENDMENTS TO REVISED ORGANIC ACT OF
7 THE VIRGIN ISLANDS.—

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

11 (2) RIGHTS AND PROHIBITIONS.—Section 3 of
12 the Revised Organic Act of the Virgin Islands (48
13 U.S.C. 1561) is amended in the 23d undesignated
14 paragraph—

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

17 (B) by striking “That all offenses against
18 the laws of the United States” and all that fol-
19 lows through “section 22(b) of this Act or” and
20 inserting “That all offenses against the laws of
21 the Virgin Islands which are prosecuted”.

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

1 **“SEC. 21. JURISDICTION OF THE COURTS OF THE VIRGIN**
2 **ISLANDS.**

3 “(a) JURISDICTION OF THE COURTS OF THE VIRGIN
4 ISLANDS.—The judicial power of the Virgin Islands shall
5 be vested in such trial and appellate courts as may have
6 been or may hereafter be established by local law. The
7 local courts of the Virgin Islands shall have jurisdiction
8 over all causes of action in the Virgin Islands over which
9 any court established by the Constitution and laws of the
10 United States does not have exclusive jurisdiction.

11 “(b) PRACTICE AND PROCEDURE.—The rules gov-
12 erning the practice and procedure of the courts established
13 by local law and those prescribing the qualifications and
14 duties of the judges and officers thereof, oaths and bonds,
15 and the times and places of holding court shall be gov-
16 erned by local law or the rules promulgated by those
17 courts.”.

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

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

22 “The United States District Court for the District
23 of the Virgin Islands shall have exclusive jurisdiction over
24 all criminal and civil proceedings in the Virgin Islands
25 with respect to the income tax laws applicable to the Vir-
26 gin Islands, except the ancillary laws relating to the in-

1 come tax enacted by the legislature of the Virgin Islands.
2 Any act or failure to act with respect to the income tax
3 laws applicable to the Virgin Islands which would con-
4 stitute a criminal offense described in chapter 75 of sub-
5 title F of the Internal Revenue Code of 1986 shall con-
6 stitute an offense against the Government of the Virgin
7 Islands and may be prosecuted in the name of the Govern-
8 ment of the Virgin Islands by the appropriate officers
9 thereof in the United States District Court for the District
10 of the Virgin Islands without the request or consent of
11 the United States attorney for the Virgin Islands.”.

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

15 (A) by striking “District Court of the Vir-
16 gin Islands” each place it appears and inserting
17 “United States District Court for the District
18 of the Virgin Islands”; and

19 (B) in subsection (b), by striking “pursu-
20 ant to section 24(a) of this Act: *Provided*, That
21 no more than one of them may be a judge of
22 a court established by local law.” and inserting
23 “pursuant to chapter 13 of title 28, United
24 States Code, or a recalled senior judge of the
25 former District Court of the Virgin Islands.

1 The chief judge of the United States Court of
2 Appeals for the Third Circuit may assign to the
3 appellate division a judge of a court of record
4 of the Virgin Islands, except that no more than
5 1 of the judges sitting in the appellate division
6 at any session may be a judge of a court estab-
7 lished by local law.”.

8 (r) ADDITIONAL REFERENCES.—Any reference in
9 any provision of law to the “District Court of the Virgin
10 Islands” shall, on and after the effective date of this sec-
11 tion, be deemed to be a reference to the United States
12 District Court for the District of the Virgin Islands.

13 (s) EFFECTIVE DATE.—This section and the amend-
14 ments made by this section shall take effect at the end
15 of the 90-day period beginning on the date of the enact-
16 ment of this Act. Any complaint or proceeding pending
17 in the District Court of the Virgin Islands on the effective
18 date of this section may be pursued to final determination
19 in the United States District Court for the District of the
20 Virgin Islands, the United States Court of Appeals for the
21 Third Circuit, the United States Court of Appeals for the
22 Federal Circuit, and the Supreme Court of the United
23 States.

1 **SEC. 105. EFFECTIVE DATE.**

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

5 **TITLE II—BANKRUPTCY**
6 **JUDGESHIPS**

7 **SEC. 201. SHORT TITLE.**

8 This title may be cited as the “Enhanced Bankruptcy
9 Judgeship Act of 2007”.

10 **SEC. 202. AUTHORIZATION FOR ADDITIONAL BANKRUPTCY**
11 **JUDGESHIPS.**

12 The following judgeships shall be filled in the manner
13 prescribed in section 152(a)(1) of title 28, United States
14 Code, for the appointment of bankruptcy judges provided
15 for in section 152(a)(2) of such title:

16 (1) 1 additional bankruptcy judgeship for the
17 eastern and western districts of Arkansas.

18 (2) 1 additional bankruptcy judgeship for the
19 eastern district of California.

20 (3) 2 additional bankruptcy judgeships for the
21 middle district of Florida.

22 (4) 2 additional bankruptcy judgeships for the
23 northern district of Georgia.

24 (5) 1 additional bankruptcy judgeship for the
25 southern district of Georgia.

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

3 (7) 1 additional bankruptcy judgeship for the
4 district of Maryland.

5 (8) 3 additional bankruptcy judgeships for the
6 eastern district of Michigan.

7 (9) 1 additional bankruptcy judgeship for the
8 southern district of New York.

9 (10) 1 additional bankruptcy judgeship for the
10 western district of Pennsylvania.

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

13 (12) 1 additional bankruptcy judgeship for the
14 eastern district of Texas.

15 (13) 1 additional bankruptcy judgeship for the
16 district of Utah.

17 **SEC. 203. TEMPORARY BANKRUPTCY JUDGESHIPS.**

18 (a) AUTHORIZATION FOR ADDITIONAL TEMPORARY
19 BANKRUPTCY JUDGESHIPS.—The following judgeships
20 shall be filled in the manner prescribed in section
21 152(a)(1) of title 28, United States Code, for the appoint-
22 ment of bankruptcy judges provided for in section
23 152(a)(2) of such title:

24 (1) 1 additional bankruptcy judgeship for the
25 northern district of Florida.

1 (2) 2 additional bankruptcy judgeships for the
2 middle district of Florida.

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

5 (4) 1 additional bankruptcy judgeship for the
6 northern district of Mississippi.

7 (5) 1 additional bankruptcy judgeship for the
8 district of Nevada.

9 (6) 1 additional bankruptcy judgeship for the
10 western district of North Carolina.

11 (7) 1 additional bankruptcy judgeship for the
12 southern district of Ohio.

13 (b) VACANCIES.—

14 (1) DISTRICTS WITH SINGLE APPOINTMENTS.—

15 Except as provided in paragraph (2), the first va-
16 cancy occurring in the office of bankruptcy judge in
17 each of the judicial districts set forth in subsection
18 (a)—

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

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

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

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

8 (B) resulting from the death, retirement,
9 resignation, or removal of a bankruptcy judge,
10 shall not be filled.

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

17 **SEC. 204. CONVERSION OF EXISTING TEMPORARY BANK-**
18 **RUPTCY JUDGESHIPS.**

19 (a) JUDGESHIPS AUTHORIZED BY PUBLIC LAW 102-
20 361.—The following temporary bankruptcy judgeships au-
21 thorized by the following paragraphs of section 3(a) of
22 Public Law 102-361, as amended by section 307 of Public
23 Law 104-317 (28 U.S.C. 152 note), are converted to per-
24 manent bankruptcy judgeships under section 152(a)(2) of
25 title 28, United States Code:

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

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

7 (3) The temporary bankruptcy judgeship for
8 the district of Puerto Rico authorized by paragraph
9 (7).

10 (b) JUDGESHIPS AUTHORIZED BY PUBLIC LAW 109–
11 8.—The following temporary bankruptcy judgeships au-
12 thorized by the following subparagraphs of section
13 1223(b)(1) of the Bankruptcy Abuse Prevention and Con-
14 sumer Protection Act of 2005 (Public Law 109–8), are
15 converted to permanent bankruptcy judgeships under sec-
16 tion 152(a)(2) of title 28, United States Code:

17 (1) The 4 temporary bankruptcy judgeships for
18 the district of Delaware authorized by subparagraph
19 (C).

20 (2) The temporary bankruptcy judgeship for
21 the southern district of Georgia authorized by sub-
22 paragraph (E).

23 (3) One of the 3 temporary bankruptcy judge-
24 ships for the district of Maryland authorized by sub-
25 paragraph (F).

1 (4) The temporary bankruptcy judgeship for
2 the eastern district of Michigan authorized by sub-
3 paragraph (G).

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

7 (6) The temporary bankruptcy judgeship for
8 the northern district of New York authorized by sub-
9 paragraph (K).

10 (7) The temporary bankruptcy judgeship for
11 the southern district of New York authorized by sub-
12 paragraph (L).

13 (8) The temporary bankruptcy judgeship for
14 the eastern district of North Carolina authorized by
15 subparagraph (M).

16 (9) The temporary bankruptcy judgeship for
17 the eastern district of Pennsylvania authorized by
18 subparagraph (N).

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

22 (11) The temporary bankruptcy judgeship for
23 the western district of Tennessee authorized by sub-
24 paragraph (Q).

1 **SEC. 205. GENERAL PROVISIONS.**

2 (a) TABLE OF JUDGESHIPS.—In order that the table
3 contained in section 152(a)(2) of title 28, United States
4 Code, will, with respect to each judicial district, reflect the
5 changes in the total number of bankruptcy judgeships au-
6 thorized under sections 202 and 204, such table is amend-
7 ed 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 “Judicial Administra-
12 tion and Improvements Act of 2007”.

13 **SEC. 302. DEFINITIONS.**

14 In this title:

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

5 (2) NEW NINTH CIRCUIT.—The term “new
6 ninth circuit” means the ninth judicial circuit of the
7 United States established by the amendment made
8 by section 303(2)(A).

9 (3) TWELFTH CIRCUIT.—The term “twelfth cir-
10 cuit” means the twelfth judicial circuit of the United
11 States established by the amendment made by sec-
12 tion 303(2)(B).

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

14 Section 41 of title 28, United States Code, is amend-
15 ed—

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

18 (2) in the table—

19 (A) by striking the item relating to the
20 ninth circuit and inserting the following:

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

21 and

22 (B) by inserting after the item relating to
23 the eleventh circuit the following:

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

1 **SEC. 304. NUMBER OF CIRCUIT JUDGES.**

2 The table contained in section 44(a) of title 28,
3 United States Code, as amended by section 102(c) of this
4 Act, is further amended—

5 (1) by striking the item relating to the ninth
6 circuit and inserting the following:

“Ninth 19”;

7 and

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

“Twelfth 14”.

10 **SEC. 305. PLACES OF CIRCUIT COURT.**

11 The table contained in section 48(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 Honolulu, Pasadena, San Fran-
cisco.”;

15 and

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

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

18 **SEC. 306. ASSIGNMENT OF CIRCUIT JUDGES.**

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

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

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

7 **SEC. 307. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.**

8 Each judge who is a senior circuit judge of the former
9 ninth circuit on the day before the effective date of this
10 title may elect to be assigned to the new ninth circuit or
11 the twelfth circuit as of such effective date and shall notify
12 the Director of the Administrative Office of the United
13 States Courts of such election.

14 **SEC. 308. SENIORITY OF JUDGES.**

15 The seniority of each judge—

16 (1) who is assigned under section 306, or

17 (2) who elects to be assigned under section 307,
18 shall run from the date of commission of such judge as
19 a judge of the former ninth circuit.

20 **SEC. 309. APPLICATION TO CASES.**

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

24 (1) Except as provided in paragraph (3), if the
25 matter has been submitted for decision, further pro-

1 proceedings with respect to the matter shall be had in
2 the same manner and with the same effect as if this
3 title had not been enacted.

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

15 (3) If a petition for rehearing en banc is pend-
16 ing on or after the effective date of this title, the pe-
17 tition shall be considered by the court of appeals to
18 which it would have been submitted had this title
19 been in full force and effect at the time that the ap-
20 peal or other proceeding was filed with the court of
21 appeals.

22 **SEC. 310. TEMPORARY ASSIGNMENT OF CIRCUIT JUDGES**
23 **AMONG CIRCUITS.**

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

1 “(c) The chief judge of the Ninth Circuit may, in the
2 public interest and upon request by the chief judge of the
3 Twelfth Circuit, designate and assign temporarily any cir-
4 cuit judge of the Ninth Circuit to act as circuit judge in
5 the Twelfth Circuit.

6 “(d) The chief judge of the Twelfth Circuit may, in
7 the public interest and upon request by the chief judge
8 of the Ninth Circuit, designate and assign temporarily any
9 circuit judge of the Twelfth Circuit to act as circuit judge
10 in the Ninth Circuit.”.

11 **SEC. 311. TEMPORARY ASSIGNMENT OF DISTRICT JUDGES**
12 **AMONG CIRCUITS.**

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

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

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

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

1 “(g) The chief judge of the United States Court of
2 Appeals for the Twelfth Circuit may in the public inter-
3 est—

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

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

13 “(h) Any designations or assignments under sub-
14 section (f) or (g) shall be in conformity with the rules or
15 orders of the court of appeals of, or the district within,
16 as applicable, the circuit to which the judge is designated
17 or assigned.”.

18 **SEC. 312. ADMINISTRATION.**

19 The court of appeals for the ninth circuit as con-
20 stituted on the day before the effective date of this title
21 may take such administrative action as may be required
22 to carry out this title and the amendments made by this
23 title. Such court shall cease to exist for administrative pur-
24 poses 2 years after the date of the enactment of this Act.

1 **SEC. 313. EFFECTIVE DATE.**

2 This title and the amendments made by this title
3 shall take at the end of the 1-year period beginning on
4 the date of the enactment of this Act.

5 **TITLE IV—AUTHORIZATION OF**
6 **APPROPRIATIONS**

7 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated for each of
9 fiscal years 2008 through 2011 such sums as are nec-
10 essary to carry out this Act, including such sums as may
11 be necessary to provide appropriate space and facilities for
12 the judicial positions created by this Act. Funds appro-
13 priated pursuant to this section in any fiscal year shall
14 remain available until expended.

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