

**AMENDMENT TO S. 878, AS REPORTED
OFFERED BY MR. SENSENBRENNER OF
WISCONSIN**

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Strike sections 1 through 4 and insert the following:

1 SECTION 1. NEW DISTRICT JUDGESHIPS.

2 The President shall appoint, by and with the advice
3 and consent of the Senate, the following:

4 (1) 1 additional district judge for the northern
5 district of Alabama, who shall be appointed no ear-
6 lier than October 1, 2006.

7 (2) 1 additional district judge for the middle
8 district of Alabama, who shall be appointed no ear-
9 lier than October 1, 2008.

10 (3) 3 additional district judges for the district
11 of Arizona, who shall be appointed no earlier than
12 October 1, 2007.

13 (4) 1 additional district judge for the northern
14 district of California, who shall be appointed no ear-
15 lier than October 1, 2006.

16 (5) 3 additional district judges for the eastern
17 district of California, who shall be appointed no ear-
18 lier than October 1, 2006.



1 (6) 1 additional district judge for the central
2 district of California, who shall be appointed no ear-
3 lier than October 1, 2005.

4 (7) 2 additional district judges for the southern
5 district of California, who shall be appointed no ear-
6 lier than October 1, 2005.

7 (8) 2 additional district judges for the middle
8 district of Florida, who shall be appointed no earlier
9 than October 1, 2007.

10 (9) 4 additional district judges for the southern
11 district of Florida, who shall be appointed no earlier
12 than October 1, 2005.

13 (10) 1 additional district judge for the district
14 of Idaho, who shall be appointed no earlier than Oc-
15 tober 1, 2008.

16 (11) 1 additional district judge for the western
17 district of Missouri, who shall be appointed no ear-
18 lier than October 1, 2008.

19 (12) 1 additional district judge for the district
20 of Nebraska, who shall be appointed no earlier than
21 October 1, 2006.

22 (13) 2 additional district judges for the district
23 of New Mexico, one of whom shall be appointed no
24 earlier than October 1, 2005, and one of whom shall
25 be appointed no earlier than October 1, 2008.



1 (14) 3 additional district judges for the eastern
2 district of New York, who shall be appointed no ear-
3 lier than October 1, 2007.

4 (15) 1 additional district judge for the district
5 of Oregon, who shall be appointed no earlier than
6 October 1, 2010.

7 (16) 1 additional district judge for the district
8 of South Carolina, who shall be appointed no earlier
9 than October 1, 2008.

10 (17) 1 additional district judge for the district
11 of Utah, who shall be appointed no earlier than Oc-
12 tober 1, 2008.

13 (18) 2 additional district judges for the eastern
14 district of Virginia, who shall be appointed no earlier
15 than October 1, 2006.

16 (19) 1 additional district judge for the western
17 district of Washington, who shall be appointed no
18 earlier than October 1, 2009.

19 **SEC. 2. CONVERSION OF TEMPORARY TO PERMANENT**
20 **JUDGESHIPS.**

21 The existing judgeships for the eastern district of
22 California, the district of Hawaii, the district of Kansas,
23 and the eastern district of Missouri, that were authorized
24 by section 203(e) of the Judicial Improvements Act of
25 1990 (28 U.S.C. 133 note; Public Law 101-650) shall,



1 as of the date of the enactment of this Act, be authorized
2 under section 133 of title 28, United States Code, and
3 the incumbents in those offices shall, as of such date of
4 enactment, hold those offices under section 133 of title
5 28, United States Code, as amended by this Act.

6 **SEC. 3. TEMPORARY JUDGESHIPS.**

7 (a) APPOINTMENT.—The President shall appoint, by
8 and with the advice and consent of the Senate, the fol-
9 lowing:

10 (1) 1 additional district judge for the northern
11 district of California, who shall be appointed no ear-
12 lier than October 1, 2010.

13 (2) 2 additional district judges for the central
14 district of California, who shall be appointed no ear-
15 lier than October 1, 2010.

16 (3) 3 additional district judges for the southern
17 district of California, who shall be appointed no ear-
18 lier than October 1, 2009.

19 (4) 1 additional district judge for the district of
20 Colorado, who shall be appointed no earlier than Oc-
21 tober 1, 2009.

22 (5) 1 additional district judge for the middle
23 district of Florida, who shall be appointed no earlier
24 than October 1, 2010.



1 (6) 1 additional district judge for the northern
2 district of Illinois, who shall be appointed no earlier
3 than October 1, 2009.

4 (7) 1 additional district judge for the northern
5 district of Indiana, who shall be appointed no earlier
6 than October 1, 2009.

7 (8) 1 additional district judge for the southern
8 district of Indiana, who shall be appointed no earlier
9 than October 1, 2010.

10 (9) 1 additional district judge for the northern
11 district of Iowa, who shall be appointed no earlier
12 than October 1, 2010.

13 (10) 1 additional district judge for the district
14 of New Mexico, who shall be appointed no earlier
15 than October 1, 2008.

16 (11) 1 additional district judge for the eastern
17 district of New York, who shall be appointed no ear-
18 lier than October 1, 2009.

19 (12) 1 additional district judge for the western
20 district of New York, who shall be appointed no ear-
21 lier than October 1, 2008.

22 (b) VACANCIES NOT FILLED.—(1) The first 2 vacan-
23 cies in the office of district judge in the central district
24 of California, occurring 10 years or more after judges are



1 first confirmed to fill both temporary judgeships created
2 in that district by subsection (a), shall not be filled.

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

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

14 **SEC. 4. CONFORMING AMENDMENTS.**

15 (a) AMENDMENTS.—The table contained in section
16 133(a) of title 28, United States Code, is amended—

17 (1) by amending the item relating to Alabama
18 to read as follows:

“Alabama:	
Northern	8
Middle	4
Southern	3”;

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

“Arizona	15”;
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21 (3) by amending the item relating to California
22 to read as follows:

“California:



Northern	15
Eastern	10
Central	28
Southern	15”;

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

“Florida:

Northern	4
Middle	17
Southern	21”;

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

“Hawaii	4”;
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5 (6) by amending the item relating to Idaho to
 6 read as follows:

“Idaho	3”;
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7 (7) by amending the item relating to Kansas to
 8 read as follows:

“Kansas	6”;
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9 (8) by amending the item relating to Missouri
 10 to read as follows:

“Missouri:

Eastern	7
Western	6
Eastern and Western	2”;

11 (9) by amending the item relating to Nebraska
 12 to read as follows:

“Nebraska	4”;
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13 (10) by amending the item relating to New
 14 Mexico to read as follows:

“New Mexico	8”;
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1 (11) by amending the item relating to New
2 York to read as follows:

“New York:

Northern	5
Southern	28
Eastern	18
Western	4”;

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

“Oregon 7”;

5 (13) by amending the item relating to South
6 Carolina to read as follows:

“South Carolina 11”;

7 (14) by amending the item relating to Utah to
8 read as follows:

“Utah 6”;

9 (15) by amending the item relating to Virginia
10 to read as follows:

“Virginia:
Eastern 13
Western 4”;

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

“Washington:
Eastern 4
Western 8”.

13 (b) CONSTRUCTION.—The amendments made by sub-
14 section (a) shall not be construed to authorize the appoint-
15 ment of any judge on a date earlier than that authorized
16 for that judge under section 1.

