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resentation for the District's residents. I believe the citizens of the District of Columbia will always be grateful for our State's leadership. Illinoisans have historically spoken out in favor of national representation for the District of Columbia. In the 75th Congress, Senator Lewis of my State introduced legislation to grant DC voting representation in the House, the Senate, and the Electoral College. Chauncey Reed, a Republican from DuPage County who was chairman of the House Judiciary Committee in the 83d Congress, also joined the campaign for national representation for the District of Columbia.

Today, the residents of the District of Columbia outnumber the residents of five States—Wyoming, Alaska, Vermont, Delaware, and North Dakota. They pay more in Federal taxes than those same States as well as three others—Idaho, Montana, and South Dakota, yet they have no voice when Congress votes on these taxes. When President Monroe signed the proclamation to make Illinois the 21st State in 1818, our Illinois population was just 55,211, less than 10 percent of today's District population.

U.S. citizens in the District of Columbia serve in the military and have been subject to the draft. However, they cannot vote for those in Congress who set our defense, foreign, and military policies. Can we just sit back and continue to accept this inequity within our country? I believe we cannot.

THE WINDS OF DEMOCRATIC CHANGE

We have welcomed the Democratic change sweeping Eastern Europe. It is ironic that the residents of Warsaw, Prague, and the other East European capitals all will have voices in their new legislatures, while the citizens of our Capital still do not.

Honoring the District of Columbia's petition for statehood will once and for all end that inequity for these citizens of the United States of America. It is time for their status to evolve to full statehood.●

By Mr. BIDEN (for himself and Mr. THURMOND):

S. 2548. A bill to amend title 28, United States Code, to provide for civil justice expense and delay reduction plans, authorize additional judicial positions for the courts of appeals and district courts of the United States, and for other purposes; to the Committee on the Judiciary.

JUDICIAL IMPROVEMENTS ACT

Mr. BIDEN, Mr. President, I rise today, joined by my very good friend and the distinguished ranking member of the Judiciary Committee, Senator THURMOND, to introduce legislation that will go a long way, in my view, toward improving the delivery of justice in our Nation's courts.

And the sad truth of the matter, Mr. President, is that we do in fact have a long way to go. Our courts are suffering today under the scourge of two related and worsening plagues.

First, costs and delays in civil litigation have gotten so excessive that the middle class has nearly been priced out, if you will, of the civil litigation market.

Access the courts, once available to everyone, has become for middle-class Americans a luxury that only others can afford.

Second, the increasing number and complexity of drug cases threaten to bring many trial courts to a standstill. In some areas, there aren't enough judges to hear all the drug cases. In other areas, the drug cases are being heard, but there aren't any judges left to hear the civil cases.

A sampling of the many available statistics shows: Since 1980, drug-related criminal cases have increased by 229 percent, compared with a 53-percent increase in criminal case filings generally and a 42-percent increase in overall Federal case filings; and the number of drug cases has increased more than 15 percent in 1988 and 1989.

Put simply, in many areas, our courts resemble the Los Angeles Freeway at 5 o'clock on a Friday afternoon—gridlock, with not enough judges to handle the cases.

The legislation that I am introducing today attacks these two related problems straight up and head on.

Title 1 is the civil justice legislation that Senator THURMOND, myself, and others introduced in January, revised after extensive consultation, discussion and negotiation with the Judicial Conference of the United States and many individual judges across the country.

Title 2 would create 77 new Federal district court and circuit court judgeships. As I said as far back as last October, I believe a comprehensive judgeships bill is necessary to ensure that high-intensity drug areas receive the judges that are necessary to hear the increasing volume of drug cases. Title 2 of this legislation accomplishes that objective.

The civil justice title of this legislation reflects a number of changes we have made in the original bill. I believe that these changes make a good bill even better. Briefly, let me highlight three of the principal changes we've made:

First, while we have retained the fundamental principle that the courts need to distinguish between simple cases that need little or no judicial intervention and complex cases that need intense and well-focused judicial management, we have determined that one way of applying that principle—case tracking—ought to be tested in a few districts before it is implemented nationwide.

Second, in response to testimony at the Judiciary Committee's first hearing on the original bill and based on additional information we've recently analyzed, we have decided to restore the full role of magistrates in the pre-trial process.

Third, when it comes to that the district courts are required to do under this legislation, we've given the districts more flexibility than they would have had under the original bill. We've set out what we want them to do in terms of core principles and guidelines, rather than more specific requirements.

In a nutshell, these are some of the principal changes we've made in response to questions and concerns that were raised about the original legislation. In my view, these changes improve the bill while maintaining our commitment to comprehensive civil justice reform.

Importantly, the revised civil justice legislation retains and reaffirms our commitment to reform from the bottom up: Each district court must still establish its own civil justice expense and delay reduction plan; and each court must do so after considering the recommendations of an expert advisory group that is to be convened in each district.

Calling for districtwide input is the best way, in my view, to ensure districtwide solidarity for improving the civil justice system.

I want to commend Judge Robert Peckham for his invaluable assistance in developing the changes reflected in title 1 of this legislation. As chairman of the Judicial Conference's task force created to work specifically with us on this bill, Judge Peckham has demonstrated the wisdom, foresight, and ingenuity that has made him one of the most respected judges in the country and a leader in civil justice reform.

Title 2 of this legislation would create 77 new Federal judgeships. It has been crafted to ensure that high intensity drug areas get the resources they so desperately need to hear the cases, preside over the trials, and sentence those who are convicted.

As many of my colleagues know, when it comes to judgeships, the Judicial Conference formulates a series of recommendations about where new judgeships should go. Together with Senator THURMOND, I have studied these recommendations very carefully during the past several months.

We have taken the recommendations seriously, as the Judiciary Committee has always done. But in the end, in this Senator's view, the Judicial Conference's recommendations are just that—recommendations—nothing more, nothing less.

We have, therefore, made changes in what the Judicial Conference has recommended. We have made these changes to make sure that the top 20 districts in terms of drug caseloads get an additional judgeship.

Under the legislation I'm introducing today, places such as Miami, San Diego, Tallahassee, Spokane, WA, Portland, ME, and Charleston, WV, will receive a new judge.

These and other areas are each getting a new judge because under the

drug criteria we've developed, each is clearly suffering under the weight of heavy drug caseloads. And each would not receive a judgeship if we followed the Judicial Conference's official recommendations.

Quite simply, these changes had to be made if we were to fulfill the responsibility I believe we have to ensure that areas with heavy drug caseloads have the judges they need to hear the cases.

Between the judges I've added and the judges officially recommended by the Judicial Conference, the 20 district courts hardest hit by drug cases will each be getting at least one judge.

Mr. President, while it's not yet in this bill, I expect that—with the able assistance of Senator HEFLIN and Senator GRASSLEY—we will be adding a third title. This would include a package of noncontroversial recommendations of the Federal Courts Study Committee.

I have indicated to Senators HEFLIN and GRASSLEY—who were the Senate's Members on the Federal Courts Study Committee—that when these noncontroversial recommendations are finalized, we will be happy to add them to the bill we're introducing today, should that be their desire.

Mr. President, the legislation that Senator THURMOND and I are introducing today strikes at the crisis that's putting a stranglehold on our courts.

It is aimed at making the civil justice system more accessible, more prompt in the resolution of disputes, and less expensive. We've got to restore the confidence that middle class Americans have lost in the ability of the civil justice system to provide a fair forum—a forum they can call upon without having, quite frankly, to hock their savings to do so.

The legislation is also aimed at the drug crisis. By creating 77 new judgeships and concentrating on areas hardest hit by drugs, we will help ensure that drug cases are heard, trials are conducted, and convicted defendants are sentenced.

The Judiciary Committee will hold a hearing on this legislation on Tuesday, June 12. We will then seek to move the legislation out of committee as soon as possible.

We have problems—serious problems, Mr. President—in our courts and in their ability to deliver justice in a fair, timely, and inexpensive manner. The time to act to address these problems is upon us. I urge my colleagues to support this legislation when it comes to the floor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this

Act may be cited as the "Judicial Improvements Act of 1990".

TITLE I—CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS

SEC. 101. SHORT TITLE.

This title may be cited as the "Civil Justice Reform Act of 1990".

SEC. 102. FINDINGS.

The Congress finds that:

(1) The problems of cost and delay in civil litigation in any United States district court must be addressed in the context of the full range of demands made on the district court's resources by both civil and criminal matters.

(2) The court, the litigants, and the litigants' attorneys share responsibility for cost and delay in civil litigation and its impact on access to the courts and the ability of the civil justice system to provide proper and timely judicial relief for aggrieved parties.

(3) The solutions to problems of cost and delay must include significant contributions by the court, the litigants, and the litigants' attorneys.

(4) In identifying, developing, and implementing solutions to problems of cost and delay in civil litigation, it is necessary to achieve a method of consultation so that individual judicial officers, litigants, and litigants' attorneys who have developed techniques for litigation management and cost and delay reduction can effectively and promptly communicate those techniques to all participants in the civil justice system.

(5) Evidence suggests that an effective litigation management and cost and delay reduction program should incorporate several interrelated principles, including—

(A) the differential treatment of cases that provides for individualized and specific management according to their needs and probable litigation careers;

(B) early involvement of a judicial officer in planning the progress of a case, controlling the discovery process, and scheduling litigation events;

(C) regular communication between a judicial officer and attorneys during the pretrial process; and

(D) utilization of alternative dispute resolution programs in appropriate cases.

(6) Because the increasing volume and complexity of civil and criminal cases imposes increasingly heavy workload burdens on judicial officers, clerks of court, and other court personnel, it is necessary to create an effective administrative structure to ensure ongoing consultation and communication regarding effective litigation management and cost and delay reduction principles and techniques.

SEC. 103. AMENDMENTS TO TITLE 28, UNITED STATES CODE.

(a) CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.—Title 28, United States Code, is amended by inserting after chapter 21 the following new chapter:

"CHAPTER 23—CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS

"Sec.

"471. Requirement for a district court civil justice expense and delay reduction plan.

"472. Development and implementation of a civil justice expense and delay reduction plan.

"473. Content of civil justice expense and delay reduction plans.

"474. Review of district court action.

"475. Periodic district court assessment.

"476. Model civil justice expense and delay reduction plan.

"477. Advisory groups.

"478. Information on litigation management and cost and delay reduction.

"479. Training programs.

"480. Automated case disposition information.

"481. Definitions.

"471. Requirement for a district court civil justice expense and delay reduction plan

"There shall be implemented by each United States district court, in accordance with this title, a civil justice expense and delay reduction plan. The plan may be a plan developed by such district court or a model plan developed by the Judicial Conference of the United States. The purposes of each plan are to facilitate deliberate adjudication of civil cases on the merits, monitor discovery, improve litigation management, and ensure just, speedy, and inexpensive resolutions of civil disputes.

"472. Development and implementation of a civil justice expense and delay reduction plan

(a) The civil justice expense and delay reduction plan implemented by a district court shall be developed or selected, as the case may be, after consideration of the recommendations of an advisory group appointed in accordance with section 477 of this title.

(b) The advisory group of a United States district court shall submit to the court a report, which shall be made available to the public and which shall include—

(1) an assessment of the matters referred to in subsection (c)(1);

(2) the basis for its recommendation that the district court develop a plan or select a model plan;

(3) recommended measures, rules and programs; and

(4) an explanation of the manner in which the recommended plan complies with section 473 of this title.

(c)(1) In developing its recommendations, the advisory group of a district court shall promptly complete a thorough assessment of the state of the court's civil and criminal dockets. In performing the assessment for a district court, the advisory group shall—

(A) determine the condition of the civil and criminal dockets;

(B) identify trends in case filings and in the demands being placed on the court's resources; and

(C) identify the principal causes of cost and delay in civil litigation, giving consideration to such potential causes as court procedures and the ways in which litigants and their attorneys approach and conduct litigation.

(2) In developing its recommendations, the advisory group of a district court shall take into account the particular needs and circumstances of the district court, litigants in such court, and the litigants' attorneys.

(3) The advisory group of a district court shall ensure that its recommended actions include significant contributions to be made by the court, the litigants and the litigants' attorneys toward reducing cost and delay and thereby facilitating access to the courts.

(d) The chief judge of the district court shall transmit a copy of the plan implemented in accordance with subsection (a) and the report prepared in accordance with subsection (b) of this section to—

(1) the Director of the Administrative Office of the United States Courts;

(2) the judicial council of the circuit in which the district court is located; and

(3) the chief judge of each of the other United States district courts located in such circuit.

"§ 473. Content of civil justice expense and delay reduction plans

"(a) A civil justice expense and delay reduction plan developed and implemented under this chapter shall include provisions applying the following principles and guidelines of litigation management and cost and delay reduction:

"(1) systematic, differential treatment of civil cases that tailors the level of individualized and case specific management to such criteria as case complexity, the amount of time reasonably needed to prepare the case for trial, and the judicial and other resources required for the preparation and disposition of the case;

"(2) early and ongoing control of the pretrial process through involvement of a judicial officer in—

"(A) assessing and planning the progress of a case;

"(B) settling early, firm trial dates, such that the trial is scheduled to occur within eighteen months of the filing of the complaint, unless a judicial officer certifies that the trial cannot reasonably be held within such time because of the complexity of the case or the number or complexity of pending criminal cases;

"(C) controlling the extent of discovery and the time for completion of discovery, and ensuring compliance with requested discovery in a timely fashion; and

"(D) settling deadlines for the filing of motions and target dates for the deciding of motions;

"(3) for all cases that the court or an individual judicial officer determines are complex and any other appropriate cases, careful and deliberate monitoring through a discovery-case management conference or a series of such conferences at which the presiding judicial officer—

"(A) explores the parties' receptivity to, and the propriety of, settlement or proceeding with the litigation;

"(B) identifies or formulates the principal issues in contention and, in appropriate cases, provides for the staged resolution or bifurcation of issues for trial consistent with Rule 42(b) of the Federal Rules of Civil Procedure;

"(C) prepares a discovery schedule and plan consistent with any presumptive time limits that a district court may set for the completion of discovery and with any procedures a district court may develop to—

"(i) identify and limit the volume of discovery available to avoid unnecessary or unduly burdensome or expensive discovery; and

"(ii) phase discovery into two or more stages; and

"(D) establishes deadlines for filing motions and target dates for deciding motions;

"(4) encouragement of cost-effective discovery through voluntary exchange of information among litigants and their attorneys and through the use of cooperative discovery devices;

"(5) conservation of judicial resources by prohibiting the consideration of discovery motions unless accompanied by a statement that the moving party has made a reasonable and good faith effort to reach agreement with opposing counsel on the matters set forth in the motion;

"(6) authorization to refer appropriate cases to alternative dispute resolution programs that—

"(A) have been designated for use in a district court; or

"(B) the court may make available, including mediation, minitrial, and summary jury trial; and

"(7) enhancement of the accountability of each judicial officer in a district court

through semiannual reports, available to the public, that disclose for each judicial officer the number of motions that have been pending for more than six months, the number of bench trials that have been submitted for more than six months, and the number of cases that have not been terminated within three years of filing.

"(b) In formulating the provisions of its civil justice expense and delay reduction plan, each United States district court, in consultation with an advisory group appointed under section 477 of this title, shall consider adopting the following litigation management and cost and delay reduction techniques:

"(1) a requirement that counsel for each party to a case jointly present a discovery-case management plan for the case at the initial pretrial conference, or explain the reasons for their failure to do so;

"(2) a requirement that each party be represented at each pretrial conference by an attorney who has the authority to bind that party regarding all matters previously identified by the court for discussion at the conference and all reasonably related matters;

"(3) a requirement that all requests for extensions of deadlines for completion of discovery or for postponement of the trial be signed by the attorney and the party making the request;

"(4) a neutral evaluation program for the presentation of the legal and factual bases of a case to a neutral court representative at a nonbinding conference conducted early in the litigation;

"(5) a requirement that, upon notice by the court, representatives of the parties with authority to bind them in settlement discussions be present or available by telephone during any settlement conference; and

"(6) such other features as the district court considers appropriate after considering the recommendations of the advisory group referred to in section 472(a) of this title.

"§ 474. Review of district court action

"(a)(1) The chief judge of a circuit court and the chief judges of each district court in a circuit shall, as a committee—

"(A) review each plan and report submitted pursuant to section 472(d) of this title; and

"(B) make such suggestions for additional actions or modified actions of that district court as the committee considers appropriate for reducing cost and delay in civil litigation in the district court.

"(2) The chief judge of a circuit court and the chief judge of a district court may designate another judge of such court to perform the chief judge's responsibilities under paragraph (1) of this subsection.

"(b) The Judicial Conference of the United States—

"(1) shall review each plan and report submitted by a district court pursuant to section 472(d) of this title; and

"(2) may request the district court to take additional action if the Judicial Conference determines that such court has not adequately responded to the conditions relevant to the civil and criminal dockets of the court or to the recommendations of the district court's advisory group.

"§ 475. Periodic district court assessment

"After developing or selecting a civil justice expense and delay reduction plan, each United States district court shall assess, at least once every two years, the condition of the court's civil and criminal dockets with a view to determining appropriate additional actions that may be taken by the court to reduce cost and delay in civil litigation and to improve the litigation management prac-

tices of the court. In performing such assessment, the court shall consult with an advisory group appointed in accordance with section 477 of this title.

"§ 476. Model civil justice expense and delay reduction plan

"(a)(1) Based on the plans developed and implemented by the United States district courts designated as Early Implementation District Courts pursuant to section 103(c) of the Civil Justice Reform Act of 1990, the Judicial Conference of the United States may develop one or more model civil justice and expense delay reduction plans. Any such model plan shall be accompanied by a report explaining the manner in which the plan complies with section 473 of this title.

"(2) The Director of the Federal Judicial Center and the Director of the Administrative Office of the United States Courts may make recommendations to the Judicial Conference regarding the development of any model civil justice expense and delay reduction plan.

"(b) The Director of the Administrative Office of the United States Courts shall transmit to the United States district courts and to the Committees on the Judiciary of the Senate and the House of Representatives copies of any model plan and accompanying report.

"§ 477. Advisory groups

"(a) Within ninety days after the date of enactment of this chapter, the advisory group required in each United States district court in accordance with section 472 of this title shall be appointed by the chief judge of each district court, after consultation with the other judges of such court.

"(b) The advisory group of a district court shall be balanced and include attorneys and other persons who are representative of major categories of litigants in such court, as determined by the chief judge of such court.

"(c) In no event shall any member of the advisory group serve longer than four years.

"(d) The chief judge of a United States district court shall designate a reporter for each advisory group, who may be compensated in accordance with guidelines established by the Judicial Conference of the United States.

"§ 478. Information on litigation management and cost and delay reduction

"(a) Within four years after the date of the enactment of this chapter, the Judicial Conference of the United States Courts shall prepare a comprehensive report on all plans received pursuant to section 472(d) of this title. The Director of the Federal Judicial Center and the Director of the Administrative Office of the United States Courts may make recommendations regarding such report.

"(b) The Judicial Conference of the United States shall, on a continuing basis—

"(1) study ways to improve litigation management and dispute resolution services in the district courts; and

"(2) make recommendations to the district courts on ways to improve such services.

"(c)(1) The Judicial Conference of the United States shall prepare, periodically revise, and transmit to the United States district courts a Manual for Litigation Management and Cost and Delay Reduction. The Director of the Federal Judicial Center and the Director of the Administrative Office of the United States Courts may make recommendations regarding the preparation of and any subsequent revisions to the Manual.

"(2) The Manual shall be developed after careful evaluation of the plans implemented

under section 472 of this title and the litigation management and cost and delay reduction demonstration programs that the Judicial Conference shall conduct under this title.

"(3) The Manual shall contain a description and analysis of the litigation management, cost and delay reduction principles and techniques, and alternative dispute resolution programs considered most effective by the Judicial Conference, the Director of the Federal Judicial Center, and the Director of the Administrative Office of the United States Courts.

"§ 479. Training programs

"The Director of the Federal Judicial Center and the Director of the Administrative Office of the United States Courts shall develop and conduct comprehensive education and training programs to ensure that all judicial officers, clerks of court, courtroom deputies and other appropriate court personnel are thoroughly familiar with the most recent available information and analyses about litigation management and other techniques for reducing cost and expediting the resolution of civil litigation. The curriculum of such training programs shall be periodically revised to reflect such information and analyses.

"§ 480. Automated case disposition information

"(a) The Director of the Administrative Office of the United States Courts shall ensure that each United States district court has the automated capability readily to retrieve information about the status of each case in such court.

"(b)(1) In carrying out subsection (a), the Director shall prescribe—

"(A) the information to be recorded in district court automated systems; and

"(B) standards for uniform categorization or characterization of judicial actions for the purpose of recording information on judicial actions in the district court automated systems.

"(2) The uniform standards prescribed under paragraph (1)(B) of this subsection shall include a definition of what constitutes a dismissal of a case and standards for measuring the period for which a motion has been pending.

"(c) Each United States district court shall record information as prescribed pursuant to subsection (b) of this section.

"§ 481. Definitions

"As used in this chapter the term 'judicial officer' means a United States district court judge or a United States magistrate."

(b) IMPLEMENTATION.—(1) Within three years after the date of the enactment of this title, each United States district court shall implement a civil justice expense and delay reduction plan under section 471 of title 28, United States Code, as added by subsection (a).

(2) The requirements set forth in sections 471 through 477 of title 28, United States Code, as added by subsection (a), shall remain in effect for seven years after the date of the enactment of this title.

(c) EARLY IMPLEMENTATION DISTRICT COURTS.—

(1) Any United States district court that, no earlier than six months and no later than twelve months after the date of the enactment of this title, develops and implements a civil justice expense and delay reduction plan under chapter 23 of title 28, United States Code, as added by subsection (a), shall be designated by the Judicial Conference of the United States as an Early Implementation District Court.

(2) The chief judge of a district so designated may apply to the Judicial Conference for additional resources, including techno-

logical and personnel support and information systems, necessary to implement its civil justice expense and delay reduction plan. The Judicial Conference may, in its discretion, provide such resources out of funds appropriated pursuant to section 105(a).

(3) Within eighteen months after the date of the enactment of this title, the Judicial Conference shall prepare a report on the plans developed and implemented by the Early Implementation District Courts.

(4) The Director of the Administrative Office of the United States Courts shall transmit to the United States district courts and to the Committees on the Judiciary of the Senate and House of Representatives—

(A) copies of the plans developed and implemented by the Early Implementation District Courts;

(B) the reports submitted by such districts pursuant to section 472(d) of title 28, United States Code, as added by subsection (a); and

(C) the report prepared in accordance with paragraph (3) of this subsection.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 28, United States Code, is amended by adding at the end thereof:

"23. Civil justice expense and delay reduction plans..... 471.

SEC. 104. DEMONSTRATION PROGRAM.

(a) IN GENERAL.—(1) During the four-year period beginning on January 1, 1991, the Judicial Conference of the United States shall conduct a demonstration program in accordance with subsection (b).

(2) A district court participating in the demonstration program may also be an Early Implementation District Court under section 103(c).

(b) PROGRAM REQUIREMENT.—(1) The United States District Court for the Western District of Michigan and the United States District Court for the Northern District of Ohio shall experiment with systems of differentiated case management that provide specifically for the assignment of cases to appropriate processing tracks that operate under distinct and explicit rules, procedures and timeframes for the completion of discovery and for trial.

(2) The United States District Court for the Northern District of California, the United States District Court for the Northern District of West Virginia, and the United States District Court for the Western District of Missouri shall experiment with various methods of reducing cost and delay in civil litigation, including alternative dispute resolution, that such district courts and the Judicial Conference of the United States shall select.

(c) STUDY OF RESULTS.—The Judicial Conference of the United States, in consultation with the Director of the Federal Judicial Center and the Director of the Administrative Office of the United States Courts, shall study the experience of the district courts under the demonstration program.

(d) REPORT.—Not later than March 31, 1995, the Judicial Conference of the United States shall transmit to the Committees on the Judiciary of the Senate and the House of Representatives a report of the results of the demonstration program.

SEC. 105. AUTHORIZATION.

(a) EARLY IMPLEMENTATION DISTRICT COURTS.—There is authorized to be appropriated not more than \$15,000,000 for fiscal year 1990 to carry out the resource and planning needs necessary for the implementation of section 103(c).

(b) IMPLEMENTATION OF CHAPTER 23.—There is authorized to be appropriated not more than \$5,000,000 for fiscal year 1990 to

implement chapter 23 of title 28, United States Code.

(c) DEMONSTRATION PROGRAM.—There is authorized to be appropriated not more than \$5,000,000 for fiscal year 1990 to carry out the provisions of section 104.

TITLE II—FEDERAL JUDGESHIPS

SECTION 201. SHORT TITLE.

This title may be cited as the "Federal Judgeship Act of 1990".

SEC. 202. CIRCUIT JUDGES FOR THE CIRCUIT COURT OF APPEALS.

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

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

(2) 4 additional circuit judges for the fourth circuit court of appeals;

(3) 1 additional circuit judge for the fifth circuit court of appeals;

(4) 1 additional circuit judge for the sixth circuit court of appeals;

(5) 1 additional circuit judge for the eighth circuit court of appeals; and

(6) 2 additional circuit judges for the tenth circuit court of appeals.

(b) TABLES.—In order that the table contained in section 44(a) 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.....	12
First.....	6
Second.....	13
Third.....	14
Fourth.....	15
Fifth.....	17
Sixth.....	16
Seventh.....	11
Eighth.....	11
Ninth.....	28
Tenth.....	12
Eleventh.....	12
Federal.....	12

SEC. 203. DISTRICT JUDGES FOR THE DISTRICT COURTS.

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

(1) 1 additional district judge for the western district of Arkansas;

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

(3) 5 additional district judges for the central district of California;

(4) 1 additional district judge for the southern district of California;

(5) 2 additional district judges for the district of Connecticut;

(6) 2 additional district judges for the middle district of Florida;

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

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

(9) 1 additional district judge for the middle district of Georgia;

(10) 1 additional district judge for the northern district of Illinois;

(11) 1 additional district judge for the southern district of Iowa;

(12) 1 additional district judge for the western district of Louisiana;

(13) 1 additional district judge for the district of Maine;

(14) 1 additional district judge for the district of Massachusetts;

(15) 1 additional district judge for the southern district of Mississippi;

(16) 1 additional district judge for the eastern district of Missouri;
 (17) 1 additional district judge for the district of New Hampshire;
 (18) 3 additional district judges for the district of New Jersey;
 (19) 1 additional district judge for the district of New Mexico;
 (20) 1 additional district judge for the southern district of New York;
 (21) 1 additional district judge for the eastern district of New York;
 (22) 1 additional district judge for the middle district of North Carolina;
 (23) 1 additional district judge for the northern district of Oklahoma;
 (24) 1 additional district judge for the western district of Oklahoma;
 (25) 1 additional district judge for the district of Oregon;
 (26) 3 additional district judges for the eastern district of Pennsylvania;
 (27) 1 additional district judge for the middle district of Pennsylvania;
 (28) 1 additional district judge for the district of South Carolina;
 (29) 1 additional district judge for the eastern district of Tennessee;
 (30) 1 additional district judge for the western district of Tennessee;
 (31) 1 additional district judge for the northern district of Texas;
 (32) 3 additional district judges for the southern district of Texas;
 (33) 1 additional district judge for the western district of Texas;
 (34) 1 additional district judge for the district of Utah;
 (35) 1 additional district judge for the eastern district of Washington;
 (36) 1 additional district judge for the northern district of West Virginia;
 (37) 1 additional district judge for the southern district of West Virginia; and
 (38) 1 additional district judge for the district of Wyoming.

(b) EXISTING JUDGESHIPS.—(1) The existing district judgeships for the western district of Arkansas, the northern district of Illinois, the northern district of Indiana, the district of Massachusetts, the western district of New York, the eastern district of North Carolina, the northern district of Ohio, and the western district of Washington authorized by section 202(b) of the Bankruptcy Amendments and Federal Judgeship Act of 1984 (Public Law 98-353, 98 Stat. 347-348) shall, as of the effective date of this title, be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this title.

(2)(A) The existing two district judgeships for the eastern and western districts of Arkansas (provided by section 133 of title 28, United States Code, as in effect on the day before the effective date of this title) shall be district judgeships for the eastern district of Arkansas only, and the incumbents of such judgeships shall hold the offices under section 133 of title 28, United States Code, as amended by this title.

(B) The existing district judgeship for the northern and southern districts of Iowa (provided by section 133 of title 28, United States Code, as in effect on the day before the effective date of this title) shall be a district judgeship for the northern district of Iowa only, and the incumbent of such judgeship shall hold the office under section 133 of title 28, United States Code, as amended by this title.

(C) The existing district judgeship for the northern, eastern, and western districts of Oklahoma (provided by section 133 of title 28, United States Code, as in effect on the

day before the effective date of this title) and the occupant of which has his official duty station at Oklahoma City on the date of enactment of this title, shall be a district judgeship for the western district of Oklahoma only, and the incumbent of such judgeship shall hold the office under section 133 of title 28, United States Code, as amended by this title.

(c) TEMPORARY JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 1 additional district judge for the northern district of Alabama;
 (2) 1 additional district judge for the eastern district of California;
 (3) 1 additional district judge for the district of Hawaii;
 (4) 1 additional district judge for the central district of Illinois;
 (5) 1 additional district judge for the southern district of Illinois;
 (6) 1 additional district judge for the district of Kansas;
 (7) 1 additional district judge for the western district of Michigan;
 (8) 1 additional district judge for the eastern district of Missouri;
 (9) 1 additional district judge for the district of Nebraska;
 (10) 1 additional district judge for the northern district of New York;
 (11) 1 additional district judge for the northern district of Ohio;
 (12) 1 additional district judge for the eastern district of Pennsylvania;
 (13) 1 additional district judge for the eastern district of Texas; and
 (14) 1 additional district judge for the eastern district of Virginia.

The first vacancy in the office of district judge in each of the judicial districts named in this subsection, occurring five years or more after the effective date of this title, shall not be filled.

(d) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsections (a) and (b) of this section, such table is amended to read as follows:

DISTRICTS	JUDGES
Alabama:	
Northern.....	7
Middle.....	3
Southern.....	3
Alaska.....	3
Arizona.....	8
Arkansas:	
Eastern.....	5
Western.....	3
California:	
Northern.....	14
Eastern.....	6
Central.....	27
Southern.....	8
Colorado.....	7
Connecticut.....	8
Delaware.....	4
District of Columbia.....	15
Florida:	
Northern.....	4
Middle.....	11
Southern.....	16
Georgia:	
Northern.....	11
Middle.....	4
Southern.....	3
Hawaii.....	3
Idaho.....	2
Illinois:	
Northern.....	22
Central.....	3
Southern.....	3

Indiana:	
Northern.....	5
Southern.....	5
Iowa:	
Northern.....	2
Southern.....	3
Kansas.....	6
Kentucky:	
Eastern.....	4
Western.....	4
Eastern and Western.....	1
Louisiana:	
Eastern.....	13
Middle.....	2
Western.....	7
Maine.....	3
Maryland.....	10
Massachusetts.....	13
Michigan:	
Eastern.....	15
Western.....	4
Minnesota.....	7
Mississippi:	
Northern.....	3
Southern.....	6
Missouri:	
Eastern.....	6
Western.....	5
Eastern and Western.....	2
Montana.....	3
Nebraska.....	3
Nevada.....	4
New Hampshire.....	3
New Jersey.....	17
New Mexico.....	5
New York:	
Northern.....	4
Southern.....	28
Eastern.....	13
Western.....	4
North Carolina:	
Eastern.....	4
Middle.....	4
Western.....	3
North Dakota.....	2
Ohio:	
Northern.....	11
Southern.....	7
Oklahoma:	
Northern.....	3
Eastern.....	1
Western.....	6
Northern, Eastern, and Western.....	1
Oregon.....	6
Pennsylvania:	
Eastern.....	22
Middle.....	6
Western.....	10
Puerto Rico.....	7
Rhode Island.....	3
South Carolina.....	9
South Dakota.....	3
Tennessee:	
Eastern.....	5
Middle.....	3
Western.....	5
Texas:	
Northern.....	11
Southern.....	16
Eastern.....	6
Western.....	8
Utah.....	5
Vermont.....	2
Virginia:	
Eastern.....	9
Western.....	4
Washington:	
Eastern.....	4
Western.....	7
West Virginia:	
Northern.....	3
Southern.....	5
Wisconsin:	
Eastern.....	4
Western.....	2
Wyoming.....	3

(16) 1 additional district judge for the eastern district of Missouri;
 (17) 1 additional district judge for the district of New Hampshire;
 (18) 3 additional district judges for the district of New Jersey;
 (19) 1 additional district judge for the district of New Mexico;
 (20) 1 additional district judge for the southern district of New York;
 (21) 1 additional district judge for the eastern district of New York;
 (22) 1 additional district judge for the middle district of North Carolina;
 (23) 1 additional district judge for the northern district of Oklahoma;
 (24) 1 additional district judge for the western district of Oklahoma;
 (25) 1 additional district judge for the district of Oregon;
 (26) 3 additional district judges for the eastern district of Pennsylvania;
 (27) 1 additional district judge for the middle district of Pennsylvania;
 (28) 1 additional district judge for the district of South Carolina;
 (29) 1 additional district judge for the eastern district of Tennessee;
 (30) 1 additional district judge for the western district of Tennessee;
 (31) 1 additional district judge for the northern district of Texas;
 (32) 3 additional district judges for the southern district of Texas;
 (33) 1 additional district judge for the western district of Texas;
 (34) 1 additional district judge for the district of Utah;
 (35) 1 additional district judge for the eastern district of Washington;
 (36) 1 additional district judge for the northern district of West Virginia;
 (37) 1 additional district judge for the southern district of West Virginia; and
 (38) 1 additional district judge for the district of Wyoming.

(b) EXISTING JUDGESHIPS.—(1) The existing district judgeships for the western district of Arkansas, the northern district of Illinois, the northern district of Indiana, the district of Massachusetts, the western district of New York, the eastern district of North Carolina, the northern district of Ohio, and the western district of Washington authorized by section 202(b) of the Bankruptcy Amendments and Federal Judgeship Act of 1984 (Public Law 98-353, 98 Stat. 347-348) shall, as of the effective date of this title, be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this title.

(2)(A) The existing two district judgeships for the eastern and western districts of Arkansas (provided by section 133 of title 28, United States Code, as in effect on the day before the effective date of this title) shall be district judgeships for the eastern district of Arkansas only, and the incumbents of such judgeships shall hold the offices under section 133 of title 28, United States Code, as amended by this title.

(B) The existing district judgeship for the northern and southern districts of Iowa (provided by section 133 of title 28, United States Code, as in effect on the day before the effective date of this title) shall be a district judgeship for the northern district of Iowa only, and the incumbent of such judgeship shall hold the office under section 133 of title 28, United States Code, as amended by this title.

(C) The existing district judgeship for the northern, eastern, and western districts of Oklahoma (provided by section 133 of title 28, United States Code, as in effect on the

day before the effective date of this title) and the occupant of which has his official duty station at Oklahoma City on the date of enactment of this title, shall be a district judgeship for the western district of Oklahoma only, and the incumbent of such judgeship shall hold the office under section 133 of title 28, United States Code, as amended by this title.

(c) TEMPORARY JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate—

- (1) 1 additional district judge for the northern district of Alabama;
- (2) 1 additional district judge for the eastern district of California;
- (3) 1 additional district judge for the district of Hawaii;
- (4) 1 additional district judge for the central district of Illinois;
- (5) 1 additional district judge for the southern district of Illinois;
- (6) 1 additional district judge for the district of Kansas;
- (7) 1 additional district judge for the western district of Michigan;
- (8) 1 additional district judge for the eastern district of Missouri;
- (9) 1 additional district judge for the district of Nebraska;
- (10) 1 additional district judge for the northern district of New York;
- (11) 1 additional district judge for the northern district of Ohio;
- (12) 1 additional district judge for the eastern district of Pennsylvania;
- (13) 1 additional district judge for the eastern district of Texas; and
- (14) 1 additional district judge for the eastern district of Virginia.

The first vacancy in the office of district judge in each of the judicial districts named in this subsection, occurring five years or more after the effective date of this title, shall not be filled.

(d) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsections (a) and (b) of this section, such table is amended to read as follows:

"DISTRICTS	JUDGES
Alabama:	
Northern.....	7
Middle.....	3
Southern.....	3
Alaska.....	3
Arizona.....	8
Arkansas:	
Eastern.....	5
Western.....	3
California:	
Northern.....	14
Eastern.....	6
Central.....	27
Southern.....	8
Colorado.....	7
Connecticut.....	8
Delaware.....	4
District of Columbia.....	15
Florida:	
Northern.....	4
Middle.....	11
Southern.....	15
Georgia:	
Northern.....	11
Middle.....	4
Southern.....	3
Hawaii.....	3
Idaho.....	2
Illinois:	
Northern.....	22
Central.....	3
Southern.....	3

Indiana:	
Northern.....	5
Southern.....	6
Iowa:	
Northern.....	2
Southern.....	3
Kansas.....	6
Kentucky:	
Eastern.....	4
Western.....	4
Eastern and Western.....	1
Louisiana:	
Eastern.....	13
Middle.....	2
Western.....	7
Maine.....	3
Maryland.....	10
Massachusetts.....	13
Michigan:	
Eastern.....	16
Western.....	4
Minnesota.....	7
Mississippi:	
Northern.....	3
Southern.....	6
Missouri:	
Eastern.....	6
Western.....	5
Eastern and Western.....	2
Montana.....	3
Nebraska.....	3
Nevada.....	4
New Hampshire.....	3
New Jersey.....	17
New Mexico.....	5
New York:	
Northern.....	4
Southern.....	23
Eastern.....	13
Western.....	4
North Carolina:	
Eastern.....	4
Middle.....	4
Western.....	3
North Dakota.....	2
Ohio:	
Northern.....	11
Southern.....	7
Oklahoma:	
Northern.....	3
Eastern.....	1
Western.....	6
Northern, Eastern, and Western.....	1
Oregon.....	6
Pennsylvania:	
Eastern.....	22
Middle.....	8
Western.....	10
Puerto Rico.....	7
Rhode Island.....	3
South Carolina.....	9
South Dakota.....	3
Tennessee:	
Eastern.....	5
Middle.....	3
Western.....	5
Texas:	
Northern.....	11
Southern.....	16
Eastern.....	6
Western.....	8
Utah.....	5
Vermont.....	2
Virginia:	
Eastern.....	9
Western.....	4
Washington:	
Eastern.....	4
Western.....	7
West Virginia:	
Northern.....	3
Southern.....	5
Wisconsin:	
Eastern.....	4
Western.....	2
Wyoming.....	3