

118TH CONGRESS  
1ST SESSION

# S. 2759

To authorize additional district judges for the district courts and convert temporary judgeships.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 2023

Mr. YOUNG (for himself, Mr. COONS, Mr. LANKFORD, and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To authorize additional district judges for the district courts and convert temporary judgeships.

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 “Judicial Understaffing  
5 Delays Getting Emergencies Solved Act” or the  
6 “JUDGES Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1           (1) Article III of the Constitution of the United  
2 States gives Congress the power to establish judge-  
3 ships in the district courts of the United States.

4           (2) Congress has not created a new district  
5 court judgeship since 2003 and has not enacted  
6 comprehensive judgeship legislation since 1990.

7           (3) This represents the longest period of time  
8 since district courts of the United States were estab-  
9 lished in 1789 that Congress has not authorized any  
10 new permanent district court judgeships.

11           (4) By the end of fiscal year 2022, filings in the  
12 district courts of the United States had increased by  
13 30 percent since the last comprehensive judgeship  
14 legislation.

15           (5) As of March 31, 2023, there were 686,797  
16 pending cases in the district courts of the United  
17 States, with an average of 491 weighted case filings  
18 per judgeship over a 12-month period.

19           (6) To deal with increased filings in the district  
20 courts of the United States, the Judicial Conference  
21 of the United States requested the creation of 66  
22 new district court judgeships in its 2023 report.

23 **SEC. 3. ADDITIONAL DISTRICT JUDGES FOR THE DISTRICT**  
24 **COURTS.**

25 (a) **ADDITIONAL JUDGESHIPS.—**

1           (1) 2025.—On or after January 21, 2025, the  
2 President shall appoint, by and with the advice and  
3 consent of the Senate—

4           (A) 1 additional district judge for the dis-  
5 trict of Arizona;

6           (B) 5 additional district judges for the cen-  
7 tral district of California;

8           (C) 2 additional district judges for the  
9 eastern district of California;

10          (D) 3 additional district judges for the  
11 northern district of California;

12          (E) 1 additional district judge for the  
13 southern district of California;

14          (F) 1 additional district judge for the dis-  
15 trict of Colorado;

16          (G) 1 additional district judge for the dis-  
17 trict of Delaware;

18          (H) 2 additional district judges for the  
19 middle district of Florida;

20          (I) 1 additional district judge for the  
21 southern district of Florida;

22          (J) 1 additional district judge for the  
23 northern district of Georgia;

24          (K) 1 additional district judge for the dis-  
25 trict of Idaho;

1 (L) 1 additional district judge for the  
2 southern district of Indiana;

3 (M) 1 additional district judge for the  
4 northern district of Iowa;

5 (N) 1 additional district judge for the dis-  
6 trict of Nebraska;

7 (O) 1 additional district judge for the dis-  
8 trict of New Jersey;

9 (P) 1 additional district judge for the east-  
10 ern district of New York;

11 (Q) 1 additional district judge for the  
12 southern district of New York;

13 (R) 1 additional district judge for the east-  
14 ern district of Texas;

15 (S) 1 additional district judge for the  
16 northern district of Texas;

17 (T) 2 additional district judges for the  
18 southern district of Texas; and

19 (U) 3 additional district judges for the  
20 western district of Texas.

21 (2) 2029.—On or after January 21, 2029, the  
22 President shall appoint, by and with the advice and  
23 consent of the Senate—

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

1 (B) 4 additional district judges for the cen-  
2 tral district of California;

3 (C) 2 additional district judge for the east-  
4 ern district of California;

5 (D) 3 additional district judges for the  
6 northern district of California;

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

9 (F) 1 additional district judge for the dis-  
10 trict of Colorado;

11 (G) 1 additional district judge for the dis-  
12 trict of Delaware;

13 (H) 3 additional district judges for the  
14 middle district of Florida;

15 (I) 1 additional district judge for the  
16 northern district of Florida;

17 (J) 2 additional district judges for the  
18 southern district of Florida;

19 (K) 1 additional district judge for the  
20 northern district of Georgia;

21 (L) 2 additional district judges for the dis-  
22 trict of New Jersey;

23 (M) 1 additional district judge for the  
24 eastern district of New York;

1 (N) 1 additional district judge for the  
2 southern district of New York;

3 (O) 1 additional district judge for the  
4 western district of New York;

5 (P) 1 additional district judge for the east-  
6 ern district of Texas;

7 (Q) 2 additional district judge for the  
8 southern district of Texas; and

9 (R) 3 additional district judges for the  
10 western district of Texas.

11 (b) TEMPORARY JUDGESHIPS.—

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

14 (A) 2 additional district judges for the  
15 eastern district of Oklahoma; and

16 (B) 1 additional district judge for the  
17 northern district of Oklahoma.

18 (2) VACANCIES NOT FILLED.—The first va-  
19 cancy in the office of district judge in each of the  
20 offices of district judge authorized by this sub-  
21 section, occurring 5 years or more after the con-  
22 firmation date of the judge named to fill the tem-  
23 porary district judgeship created in the applicable  
24 district by this subsection, shall not be filled.

1           (3) EFFECTIVE DATE.—This subsection shall  
2           take effect on January 21, 2025.

3           (c) CONVERSION OF TEMPORARY JUDGESHIPS.—The  
4           existing judgeship for the eastern district of Missouri au-  
5           thorized by section 203(c) of the Judicial Improvements  
6           Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note)  
7           and the existing judgeships for the district of Arizona, the  
8           central district of California, the southern district of Flor-  
9           ida, the district of New Mexico, the western district of  
10          North Carolina, and the eastern district of Texas author-  
11          ized by section 312(e) of the 21st Century Department  
12          of Justice Appropriations Authorization Act (Public Law  
13          107–273, 28 U.S.C. 133 note), as of the date of enact-  
14          ment of this Act, shall be authorized under section 133  
15          of title 28, United States Code, and the incumbents in  
16          those offices shall hold the office under section 133 of title  
17          28, United States Code, as amended by this Act.

18          (d) EXTENSION OF TEMPORARY FEDERAL DISTRICT  
19          COURT JUDGESHIPS FOR THE NORTHERN DISTRICT OF  
20          ALABAMA AND THE DISTRICT OF KANSAS.—

21                 (1) NORTHERN DISTRICT OF ALABAMA.—Sec-  
22                 tion 312(c)(2) of the 21st Century Department of  
23                 Justice Appropriations Authorization Act (Public  
24                 Law 107–273, 28 U.S.C. 133 note) is amended—

1 (A) in the first sentence, by striking “Calif-  
2 ornia” and inserting “California, northern dis-  
3 trict of Alabama,”; and

4 (B) by inserting “The first vacancy in the  
5 office of district judge in the northern district  
6 of Alabama occurring 26 years or more after  
7 the confirmation date of the judge named to fill  
8 the temporary district judgeship created in that  
9 district by this subsection, shall not be filled.”  
10 after the period at the end of the third sen-  
11 tence.

12 (2) DISTRICT OF KANSAS.—Section 203(c) of  
13 the Judicial Improvements Act of 1990 (Public Law  
14 101–650; 28 U.S.C. 133 note) is amended, in the  
15 matter following paragraph (12), in the second sen-  
16 tence, by striking “32 years and 6 months” and in-  
17 serting “37 years and 6 months”.

18 (e) TECHNICAL AND CONFORMING AMENDMENTS.—  
19 The table contained in section 133(a) of title 28, United  
20 States Code, is amended—

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

“Arizona ..... 15”;

23 (2) by striking the items relating to California  
24 and inserting the following:



“California:  
 Northern ..... 20  
 Eastern ..... 10  
 Central ..... 37  
 Southern ..... 15”;

1           (3) by striking the item relating to Colorado  
 2           and inserting the following:

“Colorado ..... 9”;

3           (4) by striking the item relating to Delaware  
 4           and inserting the following:

“Delaware ..... 6”;

5           (5) by striking the items relating to Florida and  
 6           inserting the following:

“Florida:  
 Northern ..... 5  
 Middle ..... 20  
 Southern ..... 21”;

7           (6) by striking the items relating to Georgia  
 8           and inserting the following:

“Georgia:  
 Northern ..... 13  
 Middle ..... 4  
 Southern ..... 3”;

9           (7) by striking the item relating to Idaho and  
 10          inserting the following:

“Idaho ..... 3”;

11          (8) by striking the items relating to Indiana  
 12          and inserting the following:

“Indiana:  
 Northern ..... 5  
 Southern ..... 6”;

1 (9) by striking the items relating to Iowa and  
2 inserting the following:

“Iowa:	
Northern .....	3
Southern .....	3”;

3 (10) by striking the items relating to Missouri  
4 and inserting the following:

“Missouri:	
Eastern .....	7
Western .....	5
Eastern and Western .....	2”;

5 (11) by striking the item relating to Nebraska  
6 and inserting the following:

“Nebraska .....	4”;
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7 (12) by striking the item relating to New Jer-  
8 sey and inserting the following:

“New Jersey .....	20”;
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9 (13) by striking the item relating to New Mex-  
10 ico and inserting the following:

“New Mexico .....	7”;
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11 (14) by striking the items relating to New York  
12 and inserting the following:

“New York:	
Northern .....	5
Southern .....	30
Eastern .....	17
Western .....	5”;

13 (15) by striking the items relating to North  
14 Carolina and inserting the following:

“North Carolina:	
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Eastern .....	4
Middle .....	4
Western .....	5”;

1       and

2               (16) by striking the items relating to Texas and

3       inserting the following:

“Texas:	
Northern .....	13
Southern .....	23
Eastern .....	10
Western .....	19”.

4   **SEC. 4. GAO REPORT ON VACANT AND UNDERUTILIZED**  
5                                   **COURTHOUSES.**

6       Not later than 1 year after the date of enactment  
7 of this Act, the Comptroller General of the United States  
8 shall make publicly available a report identifying Federal  
9 courthouses that are vacant or underused.

10 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

11       There are authorized to be appropriated such sums  
12 as may be necessary to carry out this Act and the amend-  
13 ments made by this Act, including such sums as may be  
14 necessary to provide appropriate space and facilities for  
15 the judicial positions created by this Act or an amendment  
16 made by this Act.

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