

104TH CONGRESS
1ST SESSION

S. 1101

To make improvements in the operation and administration of the Federal courts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1 (legislative day, JULY 10), 1995

Mr. HATCH (for himself and Mr. HEFLIN) (by request) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To make improvements in the operation and administration of the Federal courts, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Federal Courts Improvement Act of 1995”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CRIMINAL LAW

Sec. 101. New authority for probation and pretrial services officers.

Sec. 102. Transportation expenses for defendants.

Sec. 103. Federal substance abuse treatment program reauthorization.

TITLE II—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 201. Reimbursement of judiciary for civil and criminal forfeiture expenses.

Sec. 202. Increase in civil action filing fee.

Sec. 203. Increase in attorney admission fees.

Sec. 204. Transfer of retirement funds.

Sec. 205. Consolidation of unclaimed registry funds.

Sec. 206. Interpreter performance examination fees.

TITLE III—JUDICIAL PROCESS IMPROVEMENTS

Sec. 301. Duties of magistrate judge on emergency assignment.

Sec. 302. Consent to trial in certain criminal actions.

Sec. 303. Removal of cases under the Employee Retirement Income Security Act.

Sec. 304. Elimination of in-State plaintiff in diversity jurisdiction cases.

Sec. 305. Extension of statutory authority for magistrate judge positions to be established in the district courts of Guam and the Northern Mariana Islands.

Sec. 306. Venue in civil actions.

Sec. 307. Registration of judgments for enforcement in other districts.

Sec. 308. Vacancy in clerk position; absence of clerk.

Sec. 309. Diversity jurisdiction.

TITLE IV—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 401. Judicial retirement matters.

Sec. 402. Senior judge certification.

Sec. 403. Contribution rate for senior judges under the Judicial Survivors' Annuities System.

Sec. 404. Refund of contribution for deceased deferred annuitant under the Judicial Survivors' Annuities System.

Sec. 405. Disability retirement and cost-of-living adjustments of annuities for territorial judges.

Sec. 406. Federal Judicial Center personnel matters.

Sec. 407. Judicial administrative officials retirement matters.

Sec. 408. Bankruptcy judges reappointment procedure.

Sec. 409. Carrying of firearms.

Sec. 410. Commencement date of temporary judgeships.

Sec. 411. Full-time status of court reporters.

Sec. 412. Exemption from jury service.

Sec. 413. Expanded workers' compensation coverage for jurors.

Sec. 414. Property damage, theft, and loss claims of jurors.

Sec. 415. Court interpreters.

Sec. 416. Article III status for the judgeship authorized for the Commonwealth of the Northern Mariana Islands.

Sec. 417. Annual leave limit for court unit executives.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

Sec. 501. Parties' consent to bankruptcy judge's findings and conclusions of law.

Sec. 502. Enforcement of National Labor Relations Board orders.

- Sec. 503. Qualification of chief judge of Court of International Trade.
 Sec. 504. Judicial cost-of-living increases.

TITLE VI—CRIMINAL JUSTICE AMENDMENTS

- Sec. 601. Establishment of Federal defender organizations.
 Sec. 602. Panel attorney support office.
 Sec. 603. Judicial Conference to determine rates of compensation for attorneys.
 Sec. 604. Judicial Conference to determine maximum amounts of compensation for services other than counsel.
 Sec. 605. Compensation of paralegals and law students.
 Sec. 606. Tort Claims Act amendments relating to liability of Federal public defenders.

TITLE VII—PLACES OF HOLDING COURT

- Sec. 701. Place of holding court in the Southern District of New York.
 Sec. 702. Place of holding court in Eastern District of Texas.

TITLE VIII—MISCELLANEOUS

- Sec. 801. District judges summoned to the Judicial Conference.
 Sec. 802. The Director and Deputy Director of the Administrative Office as officers of the United States.
 Sec. 803. Removal of action from State court.
 Sec. 804. Federal Judicial Center employee retirement provisions.

1 **TITLE I—CRIMINAL LAW**

2 **SEC. 101. NEW AUTHORITY FOR PROBATION AND PRETRIAL** 3 **SERVICES OFFICERS.**

4 (a) PROBATION OFFICERS.—Section 3603 of title 18,
 5 United States Code, is amended—

6 (1) by striking out “and” at the end of para-
 7 graph (8)(B);

8 (2) by redesignating paragraph (9) as para-
 9 graph (10); and

10 (3) by inserting after paragraph (8) the follow-
 11 ing new paragraph:

12 “(9) if approved by the district court, be au-
 13 thorized to carry firearms under such rules and reg-

1 ulations as the Director of the Administrative Office
2 of the United States Courts may prescribe; and”.

3 (b) PRETRIAL SERVICES OFFICERS.—Section 3154
4 of title 18, United States Code, is amended—

5 (1) by redesignating paragraph (13) as para-
6 graph (14); and

7 (2) by inserting after paragraph (12) the fol-
8 lowing new paragraph:

9 “(13) If approved by the district court, be au-
10 thorized to carry firearms under such rules and reg-
11 ulations as the Director of the Administrative Office
12 of the United States Courts may prescribe.”.

13 **SEC. 102. TRANSPORTATION EXPENSES FOR DEFENDANTS.**

14 Section 4285 of title 18, United States Code, is
15 amended to read as follows:

16 **“§4285. Persons released pending further judicial**
17 **proceedings**

18 “(a) Any judge or magistrate of the United States,
19 when ordering a person released under chapter 207 on a
20 condition of his subsequent appearance before that court,
21 any division of that court, or any court of the United
22 States in another judicial district in which criminal pro-
23 ceedings are pending, may, when the interests of justice
24 would be served thereby and the United States judge or
25 magistrate is satisfied, after appropriate inquiry, that the

1 defendant is financially unable to provide the necessary
2 transportation on his own, direct the United States mar-
3 shal to arrange for that person's means of noncustodial
4 transportation or furnish the fare for such transpor-
5 tation—

6 “(1) to the place where his appearance is re-
7 quired;

8 “(2) to enable the defendant to consult with his
9 attorney; or

10 “(3) to return to the place of his arrest or bona
11 fide residence.

12 “(b) In addition to an order under subsection (a),
13 such judge or magistrate may direct the United States
14 marshal to furnish such person with an amount of money
15 for lodging and subsistence expenses during travel to his
16 destination, during any proceeding at which his appear-
17 ance is required, or during the time he is consulting with
18 counsel, not to exceed the amount authorized as a per
19 diem allowance for travel under section 5702(a) of title
20 5.

21 “(c) When ordered or directed as provided under sub-
22 section (a) or (b), such expenses shall be paid by the mar-
23 shal out of funds authorized by the Attorney General for
24 such expenses.”.

1 **SEC. 103. FEDERAL SUBSTANCE ABUSE TREATMENT PRO-**
2 **GRAM REAUTHORIZATION.**

3 Section 4(a) of the Contract Services for Drug De-
4 pendent Federal Offenders Treatment Act of 1978 (Public
5 Law 95-537; 92 Stat. 2038) is amended by striking all
6 after “there are authorized to be appropriated” and in-
7 serting in lieu thereof “for fiscal year 1995 and each fiscal
8 year thereafter such sums as may be necessary to carry
9 out this Act.”.

10 **TITLE II—JUDICIAL FINANCIAL**
11 **ADMINISTRATION**

12 **SEC. 201. REIMBURSEMENT OF JUDICIARY FOR CIVIL AND**
13 **CRIMINAL FORFEITURE EXPENSES.**

14 (a) TRANSFER OF FUNDS.—Section 524(c) of title
15 28, United States Code, is amended—

16 (1) by redesignating paragraphs (9) through
17 (12) as paragraphs (10) through (13), respectively;
18 and

19 (2) by inserting after paragraph (8) the follow-
20 ing new paragraph:

21 “(9)(A) In fiscal year 1995 and each fiscal year
22 thereafter, an amount as specified in subparagraph
23 (B) shall be transferred annually to the Judiciary
24 into the fund established under section 1931 of this
25 title, for expenses incurred in—

1 “(i) adjudication of civil and criminal for-
2 feiture proceedings that result in deposits into
3 the Fund (except the expense of salaries of
4 judges);

5 “(ii) representation, under the provisions
6 of section 3006A of title 18, of offenders whose
7 assets have been seized in such forfeiture pro-
8 ceedings, to the extent that such expenses of
9 representation could have been recovered
10 through an order for payment or for reimburse-
11 ment of the Defender Services appropriation
12 under section 3006A(f) of title 18; and

13 “(iii) supervision by United States proba-
14 tion officers of offenders under home detention
15 or other forms of confinement outside of Bu-
16 reau of Prisons facilities.

17 “(B)(i) Subject to clauses (ii), (iii), and (iv),
18 the amount to be transferred shall be a portion of
19 the total amount to be transferred from the com-
20 bined fiscal year deposits into both the Fund and
21 the Department of Treasury Asset Forfeiture Fund
22 established under section 9703 of title 31 (hereafter
23 in this subparagraph referred to as ‘both Funds’),
24 and such total amount—

1 “(I) shall not exceed the statement of costs
2 incurred by the Judiciary in providing the serv-
3 ices identified under subparagraph (A), as set
4 forth by the Director of the Administrative Of-
5 fice of the United States Courts in a report to
6 the Attorney General and the Secretary of the
7 Treasury no later than 90 days after the end of
8 the fiscal year in which the expenses were in-
9 curred; and

10 “(II) to be transferred from both Funds
11 shall not exceed \$50,000,000, or 10 percent of
12 the total combined deposits into both Funds,
13 whichever is less.

14 “(ii) The proportion of the amount transferred
15 from the Fund to the total amount to be transferred
16 shall be equal to the proportion of the fiscal year de-
17 posits into the Fund to the combined fiscal year de-
18 posits into both Funds.

19 “(iii) The total amount to be transferred from
20 both Funds may exceed the limits set out in this
21 subparagraph subject to the discretion of the Attor-
22 ney General and the Secretary of the Treasury.

23 “(iv) The amount to be transferred shall be
24 paid from revenues deposited into the Fund during
25 the fiscal year in which the expenses were incurred

1 and are not required to be specified in appropria-
2 tions Acts.”.

3 (b) TREASURY FORFEITURE FUND.—Section 9703
4 of title 31, United States Code, is amended—

5 (1) by redesignating subsection (p) as sub-
6 section (q); and

7 (2) by inserting after subsection (o) the follow-
8 ing new subsection:

9 “(p) TRANSFER TO THE FEDERAL JUDICIARY.—In
10 fiscal year 1994 and each fiscal year thereafter, an
11 amount necessary to meet the transfer requirements of
12 section 524(c)(9) of title 28 shall be transferred to the
13 Judiciary, and shall be subject to the same limitations,
14 terms, and conditions specified under such section for
15 transfers to the Judiciary from the Department of Justice
16 Asset Forfeiture Fund.”.

17 (c) DISPOSITION OF FILING FEES.—Section 1931(a)
18 of title 28, United States Code, is amended by inserting
19 “or other judicial services including services provided
20 under section 3006A of title 18” after “courts of the Unit-
21 ed States”.

22 **SEC. 202. INCREASE IN CIVIL ACTION FILING FEE.**

23 (a) FILING FEE INCREASE.—Section 1914(a) of title
24 28, United States Code, is amended by striking out
25 “\$120” and inserting in lieu thereof “\$150”.

1 (b) DISPOSITION OF INCREASE.—Section 1931 of
2 title 28, United States Code, is amended—

3 (1) in subsection (a) by striking out “\$60” and
4 inserting in lieu thereof “\$90”; and

5 (2) in subsection (b)—

6 (A) by striking out “\$120” and inserting
7 in lieu thereof “\$150”; and

8 (B) by striking out “\$60” and inserting in
9 lieu thereof “\$90”.

10 **SEC. 203. INCREASE IN ATTORNEY ADMISSION FEES.**

11 Beginning in fiscal year 1995 and each fiscal year
12 thereafter, of each fee collected for admission of an attor-
13 ney to practice, as prescribed by the Judicial Conference
14 of the United States under section 1914 of title 28, United
15 States Code, \$30 of that portion of the fee exceeding \$20
16 shall be deposited into the special fund of the Treasury
17 established under section 1931 of title 28, United States
18 Code. Any portion exceeding \$5 of the fee for a duplicate
19 certificate of admission or certificate of good standing, as
20 prescribed by the Judicial Conference of the United States
21 under section 1914 of title 28, United States Code, shall
22 be deposited into the special fund of the Treasury estab-
23 lished under section 1931 of title 28, United States Code.

1 **SEC. 204. TRANSFER OF RETIREMENT FUNDS.**

2 Section 377 of title 28, United States Code, is
3 amended by adding at the end thereof the following new
4 subsection:

5 “(p) TRANSFER OF RETIREMENT FUNDS.—(1) Sub-
6 ject to paragraph (2), upon an election by a bankruptcy
7 judge or a magistrate judge under subsection (f) of this
8 section, all of the accrued employer contributions and ac-
9 crued interest on those contributions made on behalf of
10 the bankruptcy judge or magistrate judge to the Civil
11 Service Retirement and Disability Fund as defined under
12 section 8348 of title 5, shall be transferred to the fund
13 established under section 1931 of this title.

14 “(2) If the bankruptcy judge or magistrate judge
15 elects under section 2(c) of the Retirement and Survivors’
16 Annuities for Bankruptcy Judges and Magistrates Act of
17 1988 (Public Law 100–659) to receive a retirement annu-
18 ity under both this section and title 5, only the accrued
19 employer contributions and accrued interest on such con-
20 tributions made on behalf of the bankruptcy judge or mag-
21 istrate judge for service credited under this section may
22 be transferred.”.

23 **SEC. 205. CONSOLIDATION OF UNCLAIMED REGISTRY**
24 **FUNDS.**

25 (a) IN GENERAL.—Section 2042 of title 28, United
26 States Code, is amended by—

1 (1) amending the section heading to read as fol-
2 lows:

3 **“§ 2042. Withdrawal; intrajudicial transfers; transfer**
4 **of unclaimed money”;**

5 (2) inserting “(a)” before the first paragraph;
6 and

7 (3) striking out the second paragraph and in-
8 serting in lieu thereof the following new subsections:

9 “(b)(1) In every case in which the right to withdraw
10 money deposited in court under section 2041 has been ad-
11 judicated or is not in dispute and such money has re-
12 mained so deposited for at least 90 days unclaimed by the
13 person entitled thereto, such court shall cause such money
14 to be transferred to the Director of the Administrative Of-
15 fice of the United States Courts. Concurrent with such
16 transfer, the Director shall assume all fiduciary duties and
17 responsibilities for such money.

18 “(2) Interest earned by such money while under the
19 authorized control of the Director as described under
20 paragraph (1) shall be treated in the same manner as in-
21 terest earned on funds deposited in a court’s registry. Any
22 funds collected by the Judiciary after the effective date
23 of this subsection as a charge for services rendered in ad-
24 ministering the funds deposited under paragraph (1) shall
25 be deposited into the Registry Administration Account es-

1 tablished under the subheading ‘SALARIES AND EX-
2 PENSES’ under the heading ‘COURTS OF APPEALS, DIS-
3 TRICT COURTS, AND OTHER JUDICIAL SERVICES’ of the
4 Judiciary Appropriations Act, 1989 (Public Law 100–459;
5 102 Stat. 2211; 28 U.S.C. 2041 note). Such funds shall
6 remain available to the Judiciary until expended, without
7 further appropriation, to reimburse any appropriation for
8 the amount paid out for expenses of the courts of appeals,
9 district courts, and other judicial services and the Admin-
10 istrative Office of the United States Courts.

11 “(c) After such money as described under subsection
12 (b)(1) has remained deposited under the authority and
13 control of the Director for at least 5 years unclaimed by
14 any person entitled thereto, the Director shall cause such
15 money and accrued interest to be deposited in the Treas-
16 ury in the name and to the credit of the United States.
17 Any claimant entitled to any such money may, on petition
18 to the court and upon notice to the United States attorney
19 and full proof of the right thereto, obtain an order direct-
20 ing payment to such claimant.

21 “(d) The Director shall develop rules and procedures
22 regarding the deposit, transfer, and withdrawal of such
23 moneys described in this section in accordance with the
24 authority granted to the Director under section 604(f) of
25 this title.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—
2 The table of sections for chapter 129 of title 28, United
3 States Code, is amended by amending the item relating
4 to section 2042 to read as follows:

“2042. Withdrawal; intrajudicial transfers; transfer of unclaimed money.”.

5 **SEC. 206. INTERPRETER PERFORMANCE EXAMINATION**
6 **FEES.**

7 (a) IN GENERAL.—Section 1827(g) of title 28, Unit-
8 ed States Code, is amended by redesignating paragraph
9 (5) as paragraph (6) and inserting after paragraph (4)
10 the following new paragraph:

11 “(5) If the Director of the Administrative Office of
12 the United States Courts finds it necessary to develop and
13 administer criterion-referenced performance examinations
14 for purposes of certification, or other examinations for the
15 selection of otherwise qualified interpreters, the Director
16 may prescribe for each examination a uniform fee for ap-
17 plicants to take such examination. In determining the rate
18 of the fee for each examination, the Director shall consider
19 the fees charged by other organizations for examinations
20 that are similar in scope or nature. Notwithstanding sec-
21 tion 3302(b) of title 31, the Director is authorized to pro-
22 vide in any contract or agreement for the development or
23 administration of examinations and the collection of fees
24 that the contractor may retain all or a portion of the fees
25 in payment for the services. Notwithstanding paragraph

1 (6) of this subsection all fees collected after the effective
 2 date of this paragraph and not retained by a contractor
 3 shall be deposited in the fund established under section
 4 1931 of this title and shall remain available until ex-
 5 pended.”.

6 (b) PAYMENT FOR CONTRACTUAL SERVICES.—Not-
 7 withstanding sections 3302(b), 1341, and 1517 of title 31,
 8 United States Code, the Director of the Administrative Of-
 9 fice of the United States may include in any contract for
 10 the development or administration of examinations for in-
 11 terpreters (including such a contract entered into before
 12 the date of the enactment of this Act) a provision which
 13 permits the contractor to collect and retain fees in pay-
 14 ment for contractual services in accordance with section
 15 1827(g)(5) of title 28, United States Code.

16 **TITLE III—JUDICIAL PROCESS**
 17 **IMPROVEMENTS**

18 **SEC. 301. DUTIES OF MAGISTRATE JUDGE ON EMERGENCY**
 19 **ASSIGNMENT.**

20 The first sentence of section 636(f) of title 28, United
 21 States Code, is amended by striking out “(a) or (b)” and
 22 inserting in lieu thereof “(a), (b), or (c)”.

23 **SEC. 302. CONSENT TO TRIAL IN CERTAIN CRIMINAL AC-**
 24 **TIONS.**

25 (a) AMENDMENTS TO TITLE 18.—

1 (1) Section 3401(b) of title 18, United States
2 Code, is amended—

3 (A) by inserting “, other than a petty of-
4 fense,” in the first sentence after “mis-
5 demeanor”; and

6 (B) by striking out the third sentence and
7 inserting in lieu thereof the following: “The
8 magistrate judge may not proceed to try the
9 case unless the defendant, after such expla-
10 nation, expressly consents to be tried before the
11 magistrate judge and expressly and specifically
12 waives trial, judgment, and sentencing by a
13 judge of the district court. Any such consent
14 and waiver shall be made in writing or orally on
15 the record.”.

16 (2) Section 3401(g) of title 18, United States
17 Code, is amended by striking out the first sentence
18 and inserting in lieu thereof the following: “The
19 magistrate judge may, in a petty offense case involv-
20 ing a juvenile, exercise all powers granted to the dis-
21 trict court under chapter 403 of this title.”.

22 (b) AMENDMENTS TO TITLE 28.—Section 636(a) of
23 title 28, United States Code, is amended—

24 (1) by striking out “, and” at the end of para-
25 graph (3) and inserting in lieu thereof a semicolon;

1 (2) by redesignating paragraph (4) as
2 paragraph (5) and by striking out “or infraction” in
3 such paragraph and inserting in lieu thereof “, other
4 than a petty offense,”; and

5 (3) by inserting after paragraph (3) the follow-
6 ing new paragraph:

7 “(4) the power to enter a sentence for a petty
8 offense;”.

9 **SEC. 303. REMOVAL OF CASES UNDER THE EMPLOYEE RE-**
10 **TIREMENT INCOME SECURITY ACT.**

11 Section 1445 of title 28, United States Code, is
12 amended by adding at the end thereof the following new
13 subsection:

14 “(e) A civil action in any State court may not be re-
15 moved to any district court of the United States solely
16 on the basis of concurrent jurisdiction over a claim under
17 section 502(a)(1)(B) of the Employee Retirement Income
18 Security Act of 1974 (29 U.S.C. 1132(a)(1)(B)).”.

19 **SEC. 304. ELIMINATION OF IN-STATE PLAINTIFF IN DIVER-**
20 **SITY JURISDICTION CASES.**

21 Section 1332 of title 28, United States Code, is
22 amended—

23 (1) by redesignating subsection (d) as sub-
24 section (e); and

1 (2) by inserting after subsection (c) the follow-
2 ing new subsection:

3 “(d) The original jurisdiction of the district courts
4 otherwise conferred by this section may not be invoked if
5 any plaintiff joined in the complaint is a citizen of the
6 State in which is located the district court in which the
7 suit is filed. For purposes of this subsection only, the dis-
8 trict of Wyoming shall be deemed located solely within the
9 State of Wyoming. This subsection does not apply to or
10 limit the applicability of the right of removal under section
11 1441(a) of an action that would otherwise be within the
12 original jurisdiction of the district courts.”.

13 **SEC. 305. EXTENSION OF STATUTORY AUTHORITY FOR**
14 **MAGISTRATE JUDGE POSITIONS TO BE ES-**
15 **TABLISHED IN THE DISTRICT COURTS OF**
16 **GUAM AND THE NORTHERN MARIANA IS-**
17 **LANDS.**

18 Section 631 of title 28, United States Code, is
19 amended—

20 (1) in subsection (a) by striking out the first
21 two sentences and inserting in lieu thereof: “The
22 judges of each United States district court and the
23 district courts of the Virgin Islands, Guam, and the
24 Northern Mariana Islands shall appoint United
25 States magistrate judges in such numbers and to

1 serve at such locations within the judicial districts as
2 the Conference may determine under this chapter.
3 In the case of a magistrate judge appointed by the
4 district court of the Virgin Islands, Guam, or the
5 Northern Mariana Islands, this chapter shall apply
6 as though the court appointing such a magistrate
7 judge were a United States district court.”; and

8 (2) in subsection (b)(1) in the first sentence by
9 inserting “the Territory of Guam, the Territory of
10 the Northern Mariana Islands,” after “Common-
11 wealth of Puerto Rico,”.

12 **SEC. 306. VENUE IN CIVIL ACTIONS.**

13 (a) VENUE GENERALLY.—Section 1391(a)(3) of title
14 28, United States Code, is amended by striking out “the
15 defendants are” and inserting in lieu thereof “any defend-
16 ant is”.

17 (b) PROPERTY IN DIFFERENT DISTRICTS IN SAME
18 STATE.—(1) Section 1392 of title 28, United States Code,
19 is amended—

20 (A) by amending the section heading to read as
21 follows:

22 **“§ 1392. Property in different districts in same State”;**

23 (B) by striking out subsection (a); and

24 (C) in subsection (b) by striking out “(b)”.

1 (2) The table of sections for chapter 87 of title 28,
2 United States Code, is amended by amending the item re-
3 lating to section 1392 to read as follows:

“1392. Property in different districts in same State.”.

4 **SEC. 307. REGISTRATION OF JUDGMENTS FOR ENFORCE-**
5 **MENT IN OTHER DISTRICTS.**

6 (a) IN GENERAL.—Section 1963 of title 28, United
7 States Code, is amended—

8 (1) by amending the section heading to read as
9 follows:

10 **“§ 1963. Registration of judgments for enforcement in**
11 **other districts”;**

12 (2) in the first sentence—

13 (A) by striking out “district court” and in-
14 serting in lieu thereof “court of appeals, district
15 court, bankruptcy court,”; and

16 (B) by striking out “such judgment” and
17 inserting in lieu thereof “the judgment”; and

18 (3) by adding at the end thereof the following
19 new undesignated paragraph:

20 “The procedure prescribed under this section is
21 in addition to other procedures provided by law for
22 the enforcement of judgments.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—
24 The table of sections for chapter 125 of title 28, United

1 States Code, relating to section 1963 is amended to read
2 as follows:

“1963. Registration of judgments for enforcement in other districts.”.

3 **SEC. 308. VACANCY IN CLERK POSITION; ABSENCE OF**
4 **CLERK.**

5 (a) IN GENERAL.—Section 954 of title 28, United
6 States Code, is amended to read as follows:

7 **“§ 954. Vacancy in clerk position; absence of clerk**

8 “When the office of clerk is vacant, the deputy clerks
9 shall perform the duties of the clerk in the name of the
10 last person who held that office. When the clerk is inca-
11 pacitated, absent or otherwise unavailable to perform offi-
12 cial duties, the deputy clerks shall perform the duties of
13 the clerk in the name of the clerk. The court may des-
14 ignate a deputy clerk to act temporarily as clerk of the
15 court in his or her own name.”.

16 (b) TECHNICAL AND CONFORMING AMENDMENT.—
17 The table of sections for chapter 57 of title 28, United
18 States Code, relating to section 954 is amended to read
19 as follows:

“954. Vacancy in clerk position; absence of clerk.”.

20 **SEC. 309. DIVERSITY JURISDICTION.**

21 (a) IN GENERAL.—Section 1332 of title 28, United
22 States Code (as amended by section 304 of this Act), is
23 further amended—

1 (1) in subsection (a) by striking out “\$50,000”
2 and inserting in lieu thereof “\$75,000”;

3 (2) in subsection (b) by striking out “\$50,000”
4 and inserting in lieu thereof “\$75,000”;

5 (3) by redesignating subsection (e) as sub-
6 section (f); and

7 (4) by inserting after subsection (d) the follow-
8 ing new subsection:

9 “(e)(1) Effective on January 1 of each year that im-
10 mediately follows a year evenly divisible by 5, the amounts
11 specified under subsection (a) of this section shall be in-
12 creased by the percent change published in the Federal
13 Register during the preceding year under paragraph (2)
14 of this subsection. The amount shall be rounded up or
15 down to the nearest \$5,000.

16 “(2) Before the end of each year that is evenly divis-
17 ible by 5, the Director of the Administrative Office of the
18 United States Courts shall compute the percent change
19 in the price index for September 1 of such year over the
20 price index for September 1 of the fifth year preceding
21 such year and shall publish such percent change in the
22 Federal Register.

23 “(3) As used in this subsection, the term ‘price index’
24 means the Consumer Price Index (all items—United

1 States city average) published monthly by the Bureau of
2 Labor Statistics.”.

3 (b) FIRST INCREASE IN DIVERSITY JURISDICTION
4 AMOUNTS.—The first increase under section 1332(e) of
5 title 28, United States Code (as added by subsection (a)
6 of this section), shall be made effective on January 1,
7 2000.

8 (c) EFFECTIVE DATE.—This section shall take effect
9 90 days after the date of enactment of this Act.

10 **TITLE IV—JUDICIARY PERSON-**
11 **NEL ADMINISTRATION, BENE-**
12 **FITS, AND PROTECTIONS**

13 **SEC. 401. JUDICIAL RETIREMENT MATTERS.**

14 Section 371 of title 28, United States Code, is
15 amended—

16 (1) in subsection (a) by inserting “(1)” after
17 “subsection (c)”;

18 (2) in subsection (b)(1) by inserting “(2)” after
19 “subsection (c)”; and

20 (3) in subsection (c)—

21 (A) by inserting “(1)” after “(c)”;

22 (B) by striking out “this section” and in-
23 serting in lieu thereof “subsection (a)”;

24 (C) by adding at the end thereof the fol-
25 lowing new paragraph:

1 “(2) The age and service requirements for retirement
 2 under subsection (b)(1) are as follows:

“Attained age:	Years of service:
60	20
61	19
62	18
63	17
64	16
65	15
66	14
67	13
68	12
69	11
70	10.”.

3 **SEC. 402. SENIOR JUDGE CERTIFICATION.**

4 (a) **RETROACTIVE CREDIT FOR RESUMPTION OF SIG-**
 5 **NIFICANT WORKLOAD.**—Section 371(f)(3) of title 28,
 6 United States Code, is amended by striking out “is there-
 7 after ineligible to receive such a certification” and insert-
 8 ing in lieu thereof “may thereafter receive a certification
 9 for that year by satisfying the requirements of subpara-
 10 graph (A), (B), (C), or (D) of paragraph (1) of this sub-
 11 section in a subsequent year and attributing a sufficient
 12 part of the work performed in such subsequent year to
 13 the earlier year so that the work so attributed, when added
 14 to the work performed during such earlier year, satisfies
 15 the requirements for certification for that year. However,
 16 a justice or judge may not receive credit for the same work
 17 for purposes of certification for more than 1 year”.

18 (b) **AGGREGATION OF CERTAIN WORK FOR PARTIAL**
 19 **YEARS.**—Section 371(f)(1) of title 28, United States

1 Code, is amended by adding at the end of subparagraph
2 (D) the following: “In any year in which a justice or judge
3 performs work described under this subparagraph for less
4 than the full year, one-half of such work may be aggre-
5 gated with work described under subparagraph (A), (B),
6 or (C) of this paragraph for the purpose of the justice
7 or judge satisfying the requirements of such subpara-
8 graph.”.

9 **SEC. 403. CONTRIBUTION RATE FOR SENIOR JUDGES**
10 **UNDER THE JUDICIAL SURVIVORS’ ANNU-**
11 **ITIES SYSTEM.**

12 Section 376(b)(1) of title 28, United States Code, is
13 amended to read as follows:

14 “(b)(1) Every judicial official who files a written noti-
15 fication of his or her intention to come within the purview
16 of this section, in accordance with paragraph (1) of sub-
17 section (a) of this section, shall be deemed thereby to con-
18 sent and agree to having deducted and withheld from his
19 or her salary a sum equal to 2.2 percent of that salary,
20 and a sum equal to 3.5 percent of his or her retirement
21 salary. The deduction from any retirement salary—

22 “(A) of a justice or judge of the United States
23 retired from regular active service under section
24 371(b) or section 372(a) of this title,

1 “(B) of a judge of the United States Court of
2 Federal Claims retired under section 178 of this
3 title, or

4 “(C) of a judicial official on recall under section
5 155(b), 373(c)(4), 375, or 636(h) of this title,
6 shall be an amount equal to 2.2 percent of retirement sal-
7 ary.”.

8 **SEC. 404. REFUND OF CONTRIBUTION FOR DECEASED DE-**
9 **FERRED ANNUITANT UNDER THE JUDICIAL**
10 **SURVIVORS' ANNUITIES SYSTEM.**

11 Section 376(o)(1) of title 28, United States Code, is
12 amended by striking out “or while receiving ‘retirement
13 salary’,” and inserting in lieu thereof “while receiving re-
14 tirement salary, or after filing an election and otherwise
15 complying with the conditions under subsection (b)(2) of
16 this section.”.

17 **SEC. 405. DISABILITY RETIREMENT AND COST-OF-LIVING**
18 **ADJUSTMENTS OF ANNUITIES FOR TERRI-**
19 **TORIAL JUDGES.**

20 Section 373 of title 28, United States Code, is
21 amended—

22 (1) by amending subsection (c)(4) to read as
23 follows:

24 “(4) Any senior judge performing judicial duties pur-
25 suant to recall under paragraph (2) of this subsection

1 shall be paid, while performing such duties, the same com-
2 pensation (in lieu of the annuity payable under this sec-
3 tion) and the same allowances for travel and other ex-
4 penses as a judge on active duty with the court being
5 served.”;

6 (2) by amending subsection (e) to read as fol-
7 lows:

8 “(e)(1) Any judge of the District Court of Guam, the
9 District Court of the Northern Mariana Islands, or the
10 District Court of the Virgin Islands who is not reappointed
11 (as judge of such court) shall be entitled, upon attaining
12 the age of 65 years or upon relinquishing office if the
13 judge is then beyond the age of 65 years—

14 “(A) if the judicial service of such judge, con-
15 tinuous or otherwise, aggregates 15 years or more,
16 to receive during the remainder of such judge’s life
17 an annuity equal to the salary received when the
18 judge left office; or

19 “(B) if such judicial service, continuous or oth-
20 erwise, aggregated less than 15 years, to receive
21 during the remainder of such judge’s life an annuity
22 equal to that proportion of such salary which the ag-
23 gregate number of such judge’s years of service
24 bears to 15.

1 “(2) Any judge of the District Court of Guam, the
2 District Court of the Northern Mariana Islands, or the
3 District Court of the Virgin Islands who has served at
4 least 5 years, continuously or otherwise, and who retires
5 or is removed upon the sole ground of mental or physical
6 disability, shall be entitled to receive during the remainder
7 of such judge’s life an annuity equal to 40 percent of the
8 salary received when the judge left office or, in the case
9 of a judge who has served at least 10 years, continuously
10 or otherwise, an annuity equal to that proportion of such
11 salary which the aggregate number of such judge’s years
12 of judicial service bears to 15.”; and

13 (3) by amending subsection (g) to read as fol-
14 lows:

15 “(g) Any retired judge who is entitled to receive an
16 annuity under this section shall be entitled to a cost-of-
17 living adjustment in the amount computed as specified in
18 section 8340(b) of title 5, except that in no case may the
19 annuity payable to such retired judge, as increased under
20 this subsection, exceed the salary of a judge in regular
21 active service with the court on which the retired judge
22 served before retiring.”.

1 **SEC. 406. FEDERAL JUDICIAL CENTER PERSONNEL MAT-**
2 **TERS.**

3 Section 625(b) of title 28, United States Code, is
4 amended—

5 (1) by inserting after “section 5316, title 5,
6 United States Code” the following: “, except the Di-
7 rector may fix the compensation of no more than 5
8 percent of the positions of the Center at a level not
9 to exceed the annual rate of basic pay of level IV of
10 such pay rates”; and

11 (2) by striking out “Serve” and inserting in
12 lieu thereof “Service”.

13 **SEC. 407. JUDICIAL ADMINISTRATIVE OFFICIALS RETIRE-**
14 **MENT MATTERS.**

15 (a) DIRECTOR OF THE ADMINISTRATIVE OFFICE OF
16 THE UNITED STATES COURTS.—

17 (1) Section 611(b) of title 28, United States
18 Code, is amended—

19 (A) in the first undesignated paragraph by
20 striking out “who has served at least fifteen
21 years and” and inserting in lieu thereof “who
22 has at least 15 years of service and has”; and

23 (B) in the second undesignated paragraph
24 by striking out “who has served at least ten
25 years,” and inserting in lieu thereof “who has
26 at least 10 years of service,”.

1 (2) Section 611(c) of title 28, United States
2 Code, is amended—

3 (A) by striking out “served at least fifteen
4 years,” and inserting in lieu thereof “at least
5 15 years of service,”; and

6 (B) by striking out “served less than fif-
7 teen years,” and inserting in lieu thereof “less
8 than 15 years of service,”.

9 (3) Section 611(d) of title 28, United States
10 Code, is amended by inserting “a congressional em-
11 ployee in the capacity of primary administrative as-
12 sistant to a Member of Congress or in the capacity
13 of staff director or chief counsel for the majority or
14 the minority of a committee or subcommittee of the
15 Senate or House of Representatives,” after “Con-
16 gress,”.

17 (b) EMPLOYEES OF THE ADMINISTRATIVE OFFICE
18 OF THE UNITED STATES COURTS.—(1) Section 627(c) of
19 title 28, United States Code, is amended—

20 (A) in the first undesignated paragraph by
21 striking out “who has served at least fifteen years
22 and” and inserting in lieu thereof “who has at least
23 15 years of service and has”; and

24 (B) in the second undesignated paragraph by
25 striking out “who has served at least ten years,”

1 and inserting in lieu thereof “who has at least 10
2 years of service,”.

3 (2) Section 627(d) of title 28, United States Code,
4 is amended—

5 (A) by striking out “served at least fifteen
6 years,” and inserting in lieu thereof “at least 15
7 years of service,”; and

8 (B) by striking out “served less than fifteen
9 years,” and inserting in lieu thereof “less than 15
10 years of service,”.

11 (3) Section 627(e) of title 28, United States Code,
12 is amended by inserting “a congressional employee in the
13 capacity of primary administrative assistant to a Member
14 of Congress or in the capacity of staff director or chief
15 counsel for the majority or the minority of a committee
16 or subcommittee of the Senate or House of Representa-
17 tives,” after “Congress,”.

18 **SEC. 408. BANKRUPTCY JUDGES REAPPOINTMENT PROCE-**

19 **DURE.**

20 Section 120 of the Bankruptcy Amendments and
21 Federal Judgeship Act of 1984 (Public Law 98–353; 98
22 Stat. 344), is amended—

23 (1) in subsection (a) by adding at the end
24 thereof the following new paragraph:

1 “(3) When filling vacancies, the court of appeals may
2 consider reappointing incumbent bankruptcy judges under
3 procedures prescribed by regulations issued by the Judi-
4 cial Conference of the United States.”; and

5 (2) in subsection (b) by adding at the end
6 thereof the following: “All incumbent nominees seek-
7 ing reappointment thereafter may be considered for
8 such a reappointment, pursuant to a majority vote
9 of the judges of the appointing court of appeals,
10 under procedures authorized under subsection
11 (a)(3).”.

12 **SEC. 409. CARRYING OF FIREARMS.**

13 (a) IN GENERAL.—Chapter 21 of title 28, United
14 States Code, is amended by adding at the end thereof the
15 following new section:

16 **“§ 464. Carrying of firearms by judicial officers**

17 “(a) A judicial officer of the United States is author-
18 ized to carry firearms, whether concealed or not, under
19 regulations promulgated by the Judicial Conference of the
20 United States.

21 “(b) A judicial officer of the United States who pos-
22 sesses or uses a firearm carried under the authority of
23 this section and the regulations promulgated thereunder
24 is immune from any civil suit arising out of such posses-

1 sion or usage to the maximum extent provided by the com-
2 mon law.

3 “(c) For purposes of this section, the term ‘judicial
4 officer of the United States’ means—

5 “(1) a justice or judge of the United States as
6 defined in section 451 of this title;

7 “(2) a United States bankruptcy judge;

8 “(3) a full-time or part-time United States
9 magistrate;

10 “(4) a judge of the United States Court of Fed-
11 eral Claims;

12 “(5) a judge of the United States District
13 Court of Guam;

14 “(6) a judge of the United States District
15 Court for the Northern Mariana Islands;

16 “(7) a judge of the United States District
17 Court of the Virgin Islands; or

18 “(8) an individual who is receiving a retirement
19 annuity based on service in any of the judicial posi-
20 tions described under paragraphs (1) through (7).”.

21 (b) TECHNICAL AND CONFORMING AMENDMENT.—
22 The table of sections for chapter 21 of title 28, United
23 States Code, is amended by adding at the end thereof the
24 following:

“464. Carrying of firearms by judicial officers.”.

1 **SEC. 410. COMMENCEMENT DATE OF TEMPORARY JUDGE-**
2 **SHIPS.**

3 Section 203(c) of the Civil Justice Reform Act of
4 1990 (Public Law 101–650; 104 Stat. 5101; 28 U.S.C.
5 133 note) is amended by striking out the last sentence
6 and inserting in lieu thereof “The first vacancy in the of-
7 fice of district judge in each of the judicial districts named
8 in this subsection, except the Western District of Michi-
9 gan, occurring 5 years or more after the confirmation date
10 of the judge named to fill a temporary judgeship created
11 by this Act, shall not be filled.”.

12 **SEC. 411. FULL-TIME STATUS OF COURT REPORTERS.**

13 Section 753(e) of title 28, United States Code, is
14 amended by inserting after the first sentence the follow-
15 ing: “For the purposes of subchapter III of chapter 83
16 of title 5 and chapter 84 of such title, a reporter shall
17 be considered a full-time employee during any pay period
18 for which a reporter receives a salary at the annual salary
19 rate fixed for a full-time reporter under the preceding sen-
20 tence.”.

21 **SEC. 412. EXEMPTION FROM JURY SERVICE.**

22 (a) MEMBERS OF THE ARMED FORCES.—Section
23 1863(b)(6) of title 28, United States Code, is amended
24 to read as follows:

25 “(6) specify that members of the Armed Forces
26 of the United States serving on active duty are

1 barred from service on the ground that they are ex-
2 empt.”.

3 (b) CONFORMING AMENDMENT.—Section 1869 of
4 title 28, United States Code, is amended—

5 (1) by striking out subsection (i); and

6 (2) by redesignating subsections (j) through (l)
7 as subsections (i) through (k), respectively.

8 **SEC. 413. EXPANDED WORKERS' COMPENSATION COV-**
9 **ERAGE FOR JURORS.**

10 Section 1877(b)(2) of title 28, United States Code,
11 is amended—

12 (1) by striking out “or” at the end of subpara-
13 graph (C); and

14 (2) by inserting “, or (E) traveling to or from
15 the courthouse pursuant to a jury summons or se-
16 questration order, or as otherwise necessitated by
17 order of the court” before the period at the end of
18 subparagraph (D).

19 **SEC. 414. PROPERTY DAMAGE, THEFT, AND LOSS CLAIMS**
20 **OF JURORS.**

21 Section 604 of title 28, United States Code, is
22 amended by adding at the end thereof the following new
23 subsection:

24 “(i) The Director may pay a claim by a person sum-
25 moned to serve or serving as a grand juror or petit juror

1 for loss of, or damage to, personal property that occurs
2 incident to that person's performance of duties in response
3 to the summons or at the direction of an officer of the
4 court. With respect to claims, the Director shall have the
5 authority granted to the head of an agency by section
6 3721 of title 31 for the consideration of employees' per-
7 sonal property claims. The Director shall prescribe guide-
8 lines for the consideration of claims under this sub-
9 section.".

10 **SEC. 415. COURT INTERPRETERS.**

11 Section 1827 of title 28, United States Code, is
12 amended by adding at the end thereof the following new
13 subsection:

14 "(l) Notwithstanding any other provision of this sec-
15 tion or section 1828 to the contrary, the presiding judicial
16 officer may, but is not required to, appoint a certified or
17 otherwise qualified sign language interpreter to provide
18 services to a party, witness, or other participant in a judi-
19 cial proceeding, whether or not the proceeding is instituted
20 by the United States, if the presiding judicial officer deter-
21 mines, on such officer's own motion or on the motion of
22 a party or other participant in the proceeding that such
23 individual suffers from a hearing impairment. The presid-
24 ing judicial officer shall, subject to the availability of ap-
25 propriated funds, approve the compensation and expenses

1 payable to sign language interpreters appointed under this
2 section in accordance with the schedule of fees prescribed
3 by the Director under subsection (b)(3) of this section.”.

4 **SEC. 416. ARTICLE III STATUS FOR THE JUDGESHIP AU-**
5 **THORIZED FOR THE COMMONWEALTH OF**
6 **THE NORTHERN MARIANA ISLANDS.**

7 (a) COMPOSITION OF NINTH CIRCUIT.—Section 41
8 of title 28, United States Code, is amended in the matter
9 relating to the ninth circuit by inserting “, Northern Mari-
10 ana Islands” after “Hawaii”.

11 (b) ESTABLISHMENT OF JUDICIAL DISTRICT.—(1)
12 Chapter 5 of title 28, United States Code, is amended by
13 inserting after section 114 the following new section:

14 **“§ 114A. Northern Mariana Islands**

15 “The Northern Mariana Islands constitute one judi-
16 cial district. Court shall be held at Saipan.”.

17 (2) The table of sections for chapter 5 of title 28,
18 United States Code, is amended by inserting after the
19 item relating to section 114 the following:

“114A. Northern Mariana Islands.”.

20 (c) DISTRICT JUDGE.—Section 133(a) of title 28,
21 United States Code, is amended by inserting after the
22 item relating to North Dakota the following:

“Northern Mariana Islands 1”.

23 (d) BANKRUPTCY JUDGE.—Section 152(a) of title
24 28, United States Code, is amended—

1 (1) in paragraph (2) by inserting after the item
 2 relating to North Dakota the following:

“Northern Mariana Islands 0”;

3 and

4 (2) in paragraph (4) in the first sentence by in-
 5 sserting “and the Commonwealth of the Northern
 6 Mariana Islands” after “territories”.

7 (e) ASSIGNMENT OF JUDGES.—(1) Chapter 13 of
 8 title 28, United States Code, is amended by adding after
 9 section 297 the following new section:

10 **“§ 298. Assignment to the United States District
 11 Court for the Northern Mariana Islands**

12 “In addition to the judges authorized to be des-
 13 ignated by sections 291 and 292, the Chief Judge of the
 14 United States Court of Appeals for the Ninth Circuit may
 15 assign judges of courts of record of the Northern Mariana
 16 Islands or Guam, including a judge of the District Court
 17 of Guam who is appointed by the President or a recalled
 18 senior judge of the District Court of Guam, to serve tem-
 19 porarily as a judge in the United States District Court
 20 for the Northern Mariana Islands whenever such an as-
 21 signment is necessary for the proper dispatch of the busi-
 22 ness of the court. Such designated judges shall have the
 23 powers of a magistrate judge under section 636.”.

1 (2) The table of sections for chapter 13 of title 28,
2 United States Code, is amended by adding after the item
3 relating to section 297 the following:

“298. Assignment to the United States District Court for the Northern Mariana
Islands.”.

4 (f) JUDICIAL CONFERENCES OF CIRCUITS.—Section
5 333 of title 28, United States Code, is amended in the
6 third sentence of the first undesignated paragraph by
7 striking out “the District Court of the Virgin Islands, and
8 the District Court of the Northern Mariana Islands” and
9 inserting in lieu thereof “and the District Court of the
10 Virgin Islands”.

11 (g) JUDGE IN TERRITORIES AND POSSESSIONS.—
12 Section 373 of title 28, United States Code, is amended—

13 (1) in subsection (a) by striking out “the Dis-
14 trict Court of the Northern Mariana Islands,”; and

15 (2) in subsection (e) by striking out “the Dis-
16 trict Court of the Northern Mariana Islands,”.

17 (h) ANNUITIES FOR SURVIVORS OF CERTAIN JUDI-
18 CIAL OFFICIALS OF THE UNITED STATES.—Section
19 376(a) of title 28, United States Code, is amended—

20 (1) in paragraph (1)(B) by striking out “, the
21 District Court of the Northern Mariana Islands,”;
22 and

23 (2) in paragraph (2)(B) by striking out “, the
24 District Court of the Northern Mariana Islands,”.

1 (i) SAVINGS PROVISIONS.—The amendments made
2 by subsections (a) through (h) of this section shall not
3 affect the rights of any judge who may have retired before
4 the effective date of this section. Service as a judge of the
5 District Court of the Northern Mariana Islands shall be
6 included in computing under sections 371, 372, 373, and
7 376 of title 28, United States Code, the aggregate years
8 of judicial service of any person who is in office as a dis-
9 trict judge for the District of the Northern Mariana Is-
10 lands on the effective date of this section. The term of
11 office of any such judge shall terminate upon a vacancy
12 in the office by expiration of the term or otherwise. Upon
13 such termination, the President shall appoint, by and with
14 the consent of the Senate, a judge for the district who
15 shall hold office during good behavior.

16 (j) UNITED STATES ATTORNEY.—Section 541 of title
17 28, United States Code, is amended—

18 (1) in subsection (a) by inserting before the pe-
19 riod the following: “, except that any United States
20 attorney appointed for the Northern Mariana Is-
21 lands may at the same time serve as United States
22 attorney in another judicial district”; and

23 (2) by redesignating subsection (c) as sub-
24 section (d) and inserting after subsection (b) the fol-
25 lowing:

1 “(c) If the President appoints a United States attor-
2 ney for the Northern Mariana Islands who at that time
3 is serving in the same capacity in another district, the ap-
4 pointment shall, without prejudice to a subsequent ap-
5 pointment, be for the unexpired term of such United
6 States attorney.”.

7 (k) UNITED STATES MARSHALS SERVICE.—Section
8 561(d) of title 28, United States Code, is amended by add-
9 ing after the second sentence the following: “If the Presi-
10 dent appoints a marshal for the Northern Mariana Islands
11 who at that time is serving in the same capacity in another
12 district, the appointment shall, without prejudice to a sub-
13 sequent appointment, be for the unexpired term of such
14 marshal.”.

15 (l) UNITED STATES MAGISTRATES.—Section
16 631(b)(1) of title 28, United States Code, is amended by
17 inserting “the Commonwealth of the Northern Mariana
18 Islands,” after “Puerto Rico,”.

19 (m) INTERLOCUTORY DECISIONS.—Section
20 1292(d)(4)(A) of title 28, United States Code, is amended
21 by striking out “, the District Court of the Virgin Islands,
22 or the District Court for the Northern Mariana Islands,”
23 and inserting in lieu thereof “, or the District Court of
24 the Virgin Islands,”.

1 (n) JURISDICTION OF THE UNITED STATES COURT
2 OF APPEALS FOR THE FEDERAL CIRCUIT.—Section
3 1295(a) of title 28, United States Code, is amended—

4 (1) in paragraph (1) by striking out “, the Dis-
5 trict Court of the Virgin Islands, or the District
6 Court for the Northern Mariana Islands,” and in-
7 serting in lieu thereof “, or the District Court of the
8 Virgin Islands,”; and

9 (2) in paragraph (2) by striking out “, the Dis-
10 trict Court of the Virgin Islands, or the District
11 Court for the Northern Mariana Islands,” and in-
12 serting in lieu thereof “, or the District Court of the
13 Virgin Islands,”.

14 (o) DIVERSITY JURISDICTION.—Section 1332(f) of
15 title 28, United States Code (as redesignated by section
16 309 of this Act), is amended by striking out “, and the
17 Commonwealth of Puerto Rico” and inserting in lieu
18 thereof “, the Commonwealth of Puerto Rico, and the
19 Commonwealth of the Northern Mariana Islands”.

20 (p) CIVIL COMMITMENT AND REHABILITATION AND
21 NARCOTIC OF ADDICTS.—Section 2901(e) of title 28,
22 United States Code, is amended by striking out “or the
23 Commonwealth of Puerto Rico,” and inserting in lieu
24 thereof “the Commonwealth of Puerto Rico, or the Com-
25 monwealth of the Northern Mariana Islands,”.

1 (q) NORTHERN MARIANA ISLANDS JUDICIAL PROVI-
 2 SIONS.—The Act of November 8, 1977 (Public Law 95-
 3 157; 91 Stat. 1265) as amended, is further amended—

4 (1) in section 4(a) (48 U.S.C. 1824(a))—

5 (A) by striking out “(a)”;

6 (B) by striking out all beginning with “,
 7 unless those cases are reviewable in the District
 8 Court for the Northern Mariana Islands”
 9 through the period and inserting in lieu thereof
 10 a period; and

11 (C) by striking out subsection (b); and

12 (2) by striking out—

13 (A) the first section (48 U.S.C. 1821);

14 (B) section 2 (48 U.S.C. 1822);

15 (C) section 3 (48 U.S.C. 1823);

16 (D) section 5 (48 U.S.C. 1825); and

17 (E) section 6 (48 U.S.C. 1826).

18 **SEC. 417. ANNUAL LEAVE LIMIT FOR COURT UNIT EXECU-**

19 **TIVES.**

20 Section 6304(f)(1) of title 5, United States Code, is
 21 amended—

22 (1) in subparagraph (D) by striking out “or”;

23 (2) in subparagraph (E) by striking out the pe-
 24 riod and inserting in lieu thereof a semicolon and
 25 “or”; and

1 (3) by adding after subparagraph (E) the fol-
2 lowing new subparagraph:

3 “(F) the judicial branch designated as a
4 court unit executive position by the Judicial
5 Conference of the United States.”.

6 **TITLE V—FEDERAL COURTS**
7 **STUDY COMMITTEE REC-**
8 **COMMENDATIONS**

9 **SEC. 501. PARTIES’ CONSENT TO BANKRUPTCY JUDGE’S**
10 **FINDINGS AND CONCLUSIONS OF LAW.**

11 Section 157(c)(1) of title 28, United States Code, is
12 amended to read as follows:

13 “(c)(1) A bankruptcy judge may hear a proceeding
14 that is not a core proceeding but that is otherwise related
15 to a case under title 11. In such proceeding, the bank-
16 ruptcy judge shall submit proposed findings of fact and
17 conclusions of law to the district court, and any final order
18 or judgment shall be entered by the district judge after
19 considering the bankruptcy judge’s proposed findings and
20 conclusions and after reviewing de novo those matters to
21 which any party has timely and specifically objected. A
22 party shall be deemed to consent to the findings of fact
23 and conclusions of law submitted by a bankruptcy judge
24 unless the party files a timely objection. If a timely objec-
25 tion is not filed, the proposed findings of fact and conclu-

1 sions of law submitted by the bankruptcy judge shall be-
2 come final and the bankruptcy judge shall enter an appro-
3 priate order thereon.”.

4 **SEC. 502. ENFORCEMENT OF NATIONAL LABOR RELATIONS**
5 **BOARD ORDERS.**

6 Section 10 of the National Labor Relations Act (29
7 U.S.C. 160) is amended—

8 (1) in subsection (e)—

9 (A) by striking out the first sentence;

10 (B) in the second sentence, by striking out
11 “Upon the filing” and all that follows through
12 “thereupon” and inserting in lieu thereof
13 “Upon the filing of a petition for review under
14 this subsection, the court”; and

15 (C) in the last sentence, by striking out
16 “by the appropriate United States court of ap-
17 peals if application was made to the district
18 court as hereinabove provided, and”;

19 (2) in subsection (f)—

20 (A) in the first sentence by inserting “,
21 within 30 days after the date of the order,”
22 after “by filing in such court”; and

23 (B) by striking out the last sentence;

24 (3) by redesignating subsections (e) and (f) as
25 subsections (f) and (e), respectively, and by inserting

1 subsection (f) (as so redesignated) to follow sub-
2 section (e) (as so redesignated);

3 (4) in subsection (g), by striking out “or (f)”;

4 and

5 (5) by adding at the end thereof the following
6 new subsection:

7 “(n) If any person violates a final order issued by
8 the Board under this Act with respect to an unfair labor
9 practice, the Board may petition any United States dis-
10 trict court in which the unfair labor practice occurred,
11 or in which such person resides or transacts business, for
12 imposition of a monetary penalty not to exceed \$5,000 for
13 each day on which such person violates the order. The
14 United States district courts shall have jurisdiction to im-
15 pose such a penalty.”.

16 **SEC. 503. QUALIFICATION OF CHIEF JUDGE OF COURT OF**
17 **INTERNATIONAL TRADE.**

18 (a) IN GENERAL.—Chapter 11 of title 28, United
19 States Code, is amended by adding at the end thereof the
20 following new section:

21 **“§ 258. Chief judges; precedence of judges**

22 “(a)(1) The chief judge of the Court of International
23 Trade shall be the judge of the court in regular active
24 service who is senior in commission of those judges who—

25 “(A) are 64 years of age or under;

1 “(B) have served for one year or more as a
2 judge of the court; and

3 “(C) have not served previously as chief judge.

4 “(2)(A) In any case in which no judge of the court
5 meets the qualifications under paragraph (1), the young-
6 est judge in regular active service who is 65 years of age
7 or over and who has served as a judge of the court for
8 1 year or more shall act as the chief judge.

9 “(B) In any case under subparagraph (A) in which
10 there is no judge of the court in regular active service who
11 has served as a judge of the court for 1 year or more,
12 the judge of the court in regular active service who is sen-
13 ior in commission and who has not served previously as
14 chief judge shall act as the chief judge.

15 “(3)(A) Except as provided under subparagraph (C),
16 the chief judge serving under paragraph (1) shall serve
17 for a term of 7 years and shall serve after expiration of
18 such term until another judge is eligible under paragraph
19 (1) to serve as chief judge.

20 “(B) Except as provided under subparagraph (C), a
21 judge of the court acting as chief judge under subpara-
22 graph (A) or (B) of paragraph (2) shall serve until a judge
23 meets the qualifications under paragraph (1).

24 “(C) No judge of the court may serve or act as chief
25 judge of the court after attaining the age of 70 years un-

1 less no other judge is qualified to serve as chief judge
2 under paragraph (1) or is qualified to act as chief judge
3 under paragraph (2).

4 “(b) The chief judge shall have precedence and pre-
5 side at any session of the court which such judge attends.
6 Other judges of the court shall have precedence and pre-
7 side according to the seniority of their commissions.
8 Judges whose commissions bear the same date shall have
9 precedence according to seniority in age.

10 “(c) If the chief judge desires to be relieved of the
11 duties as chief judge while retaining active status as a
12 judge of the court, the chief judge may so certify to the
13 Chief Justice of the United States, and thereafter the
14 chief judge of the court shall be such other judge of the
15 court who is qualified to serve or act as chief judge under
16 subsection (a).

17 “(d) If a chief judge is temporarily unable to perform
18 the duties as such, such duties shall be performed by the
19 judge of the court in active service, able and qualified to
20 act, who is next in precedence.”.

21 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

22 Chapter 11 of title 28, United States Code, is amended—

23 (1) in section 251 by striking out subsection (b)

24 and redesignating subsection (c) as subsection (b);

25 (2) in section 253—

1 (A) by amending the section heading to
2 read as follows:

3 **“§ 253. Duties of chief judge.”;**

4 and

5 (B) by striking out subsections (d) and (e);

6 and

7 (3) in the table of sections for chapter 11 of
8 title 28, United States Code—

9 (A) by amending the item relating to sec-
10 tion 253 to read as follows:

“253. Duties of chief judge.”;

11 and

12 (B) by adding at the end thereof the fol-
13 lowing:

“258. Chief judges; precedence of judges.”.

14 (c) APPLICATION.—(1) Notwithstanding the provi-
15 sions of section 258(a) of title 28, United States Code (as
16 added by subsection (a) of this section), the chief judge
17 of the United States Court of International Trade who is
18 in office on the day before the date of enactment of this
19 Act shall continue to be such chief judge on or after such
20 date until any one of the following events occurs:

21 (A) The chief judge is relieved of his duties
22 under section 258(c) of title 28, United States Code.

23 (B) The regular active status of the chief judge
24 is terminated.

1 (C) The chief judge attains the age of 70 years.

2 (D) The chief judge has served for a term of 7
3 years as chief judge.

4 (2) When the chief judge vacates the position of chief
5 judge under paragraph (1), the position of chief judge of
6 the Court of International Trade shall be filled in accord-
7 ance with section 258(a) of title 28, United States Code.

8 **SEC. 504. JUDICIAL COST-OF-LIVING INCREASES.**

9 Section 140 of the resolution entitled “A Joint Reso-
10 lution making further continuing appropriations for the
11 fiscal year 1982, and for other purposes.”, approved De-
12 cember 15, 1981 (Public Law 97-92; 95 Stat. 1200; 28
13 U.S.C. 461 note) is repealed.

14 **TITLE VI—CRIMINAL JUSTICE**
15 **AMENDMENTS**

16 **SEC. 601. ESTABLISHMENT OF FEDERAL DEFENDER ORGA-**
17 **NIZATIONS.**

18 Section 3006A(g)(1) of title 18, United States Code,
19 is amended to read as follows:

20 “(1) QUALIFICATIONS.—(A) Any district or
21 part of a district may establish a defender organiza-
22 tion as provided for either under subparagraph (A)
23 or (B) of paragraph (2) of this subsection or both.
24 A defender organization shall be established for any

1 district or part of a district or combination of dis-
2 tricts—

3 “(i) in which more than 200 persons annu-
4 ally require the appointment of counsel; or

5 “(ii) where the Judicial Conference deter-
6 mines that—

7 “(I) such an organization would be
8 cost-effective; or

9 “(II) the interests of effective rep-
10 resentation otherwise require establishment
11 of such an organization.

12 “(B) Two adjacent districts or parts of districts
13 may establish a defender organization to serve both
14 areas. In the event that adjacent districts or parts
15 of districts are located in different circuits, the plan
16 for furnishing representation shall be approved by
17 the judicial council of each circuit.”.

18 **SEC. 602. PANEL ATTORNEY SUPPORT OFFICE.**

19 Section 3006A(a) of title 18, United States Code, is
20 amended by adding after paragraph (3) the following new
21 paragraph:

22 “(4)(A) In any district which has not estab-
23 lished a Federal defender organization under sub-
24 section (g), the plan for the district may provide for
25 the establishment of a panel attorney support office

1 to assist the court in managing the panel of attor-
2 neys who provide representation under the plan for
3 the district. The panel attorney support office
4 shall—

5 “(i) provide advice to counsel appointed
6 under this section;

7 “(ii) maintain a list of members of the
8 panel;

9 “(iii) review vouchers for compensation
10 under this section before submission to judicial
11 officers for approval;

12 “(iv) coordinate training of members of the
13 panel; and

14 “(v) perform any other duties in admin-
15 istering the plan for the district which the court
16 may delegate.

17 “(B) The district court shall appoint an admin-
18 istrator to direct the panel attorney support office.
19 The administrator may be employed on a part-time
20 or full-time basis. The administrator may appoint
21 employees in such number as may be approved by
22 the Director of the Administrative Office of the
23 United States Courts. Such employees shall be sub-
24 ject to removal by the administrator.”.

1 **SEC. 603. JUDICIAL CONFERENCE TO DETERMINE RATES**
2 **OF COMPENSATION FOR ATTORNEYS.**

3 Section 3006A(d) of title 18, United States Code, is
4 amended—

5 (1) in paragraph (1)—

6 (A) in the first sentence by striking out all
7 that follows “be compensated” and inserting in
8 lieu thereof “at rates established by the Judicial
9 Conference of the United States sufficient to
10 cover reasonable overhead costs and to provide
11 a reasonable hourly wage for time expended in
12 court and for time expended out of court.”; and

13 (B) by striking out the third and fourth
14 sentences; and

15 (2) by amending paragraph (2) to read as fol-
16 lows:

17 “(2) MAXIMUM AMOUNTS.—The Judicial Con-
18 ference shall establish limits on the amounts of com-
19 pensation for representation in misdemeanors, felo-
20 nies, appeals, and other matters. Except as provided
21 under paragraph (3) of this subsection, the com-
22 pensation to be paid to an attorney or to a bar asso-
23 ciation or legal aid agency or community defender
24 organization shall not exceed the amount established
25 by the Judicial Conference for the type of proceed-
26 ing in which representation was provided.”.

1 **SEC. 604. JUDICIAL CONFERENCE TO DETERMINE MAXI-**
2 **MUM AMOUNTS OF COMPENSATION FOR**
3 **SERVICES OTHER THAN COUNSEL.**

4 Section 3006A(e) of title 18, United States Code, is
5 amended—

6 (1) in subparagraphs (A) and (B) of paragraph
7 (2), by striking “\$300” and inserting in lieu thereof
8 “an amount established by the Judicial Conference”;
9 and

10 (2) in paragraph (3) by striking “\$1,000” and
11 inserting in lieu thereof “an amount established by
12 the Judicial Conference”.

13 **SEC. 605. COMPENSATION OF PARALEGALS AND LAW STU-**
14 **DENTS.**

15 Section 3006A(d)(1) of title 18, United States Code,
16 is amended by adding at the end thereof the following:
17 “The services of paralegals and qualified law students fur-
18 nishing services pursuant to this section shall be com-
19 pensated or reimbursed at hourly rates established by the
20 Judicial Conference.”.

21 **SEC. 606. TORT CLAIMS ACT AMENDMENTS RELATING TO**
22 **LIABILITY OF FEDERAL PUBLIC DEFENDERS.**

23 Section 2680 of title 28, United States Code, is
24 amended by adding at the end thereof the following new
25 subsection:

1 that is located astride the State line between Texas
2 and Arkansas”.

3 (b) TEXARKANA.—Section 83(b)(1) of title 28, Unit-
4 ed States Code, is amended in the second sentence by in-
5 serting before the period “, and may be held anywhere
6 within the Federal courthouse in Texarkana that is lo-
7 cated astride the State line between Texas and Arkansas”.

8 **TITLE VIII—MISCELLANEOUS**

9 **SEC. 801. DISTRICT JUDGES SUMMONED TO THE JUDICIAL** 10 **CONFERENCE.**

11 Section 331 of title 28, United States Code, is
12 amended in the second undesignated paragraph by strik-
13 ing out “at the annual judicial conference of the circuit
14 held pursuant to section 333 of this title”.

15 **SEC. 802. THE DIRECTOR AND DEPUTY DIRECTOR OF THE** 16 **ADMINISTRATIVE OFFICE AS OFFICERS OF** 17 **THE UNITED STATES.**

18 Section 601 of title 28, United States Code, is
19 amended by adding at the end thereof the following: “The
20 Director and Deputy Director shall be deemed to be offi-
21 cers for purposes of title 5, United States Code.”.

22 **SEC. 803. REMOVAL OF ACTION FROM STATE COURT.**

23 Section 1446(c)(1) of title 28, United States Code,
24 is amended by striking out “petitioner” and inserting in
25 lieu thereof “defendant or defendants”.

1 **SEC. 804. FEDERAL JUDICIAL CENTER EMPLOYEE RETIRE-**
 2 **MENT PROVISIONS.**

3 Section 627(b) of title 28, United States Code, is
 4 amended—

5 (1) in the first sentence by inserting “Deputy
 6 Director,” before “the professional staff”; and

7 (2) in the first sentence by inserting “chapter
 8 84 (relating to the Federal Employees’ Retirement
 9 System),” after “(relating to civil service retire-
 10 ment),”.

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S 1101 IS—2

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