

104TH CONGRESS
2D SESSION

S. 1887

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

IN THE SENATE OF THE UNITED STATES

JUNE 19, 1996

Mr. GRASSLEY (for himself, Mr. HATCH, and Mr. HEFLIN) 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 1996”.

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 AND CRIMINAL JUSTICE AMENDMENTS

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

Sec. 102. Tort Claims Act amendments relating to liability of Federal public defenders.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Duties of magistrate judge on emergency assignment.
 Sec. 202. Consent to trial in certain criminal actions.
 Sec. 203. Venue in civil actions.
 Sec. 204. Registration of judgments for enforcement in other districts.
 Sec. 205. Vacancy in clerk position; absence of clerk.
 Sec. 206. Diversity jurisdiction.
 Sec. 207. Bankruptcy Administrator Program.
 Sec. 208. Removal of cases against the United States and Federal officers or agencies.
 Sec. 209. Appeal route in civil cases decided by magistrate judges with consent.
 Sec. 210. Reports by judicial councils relating to misconduct and disability orders.

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Senior judge certification.
 Sec. 302. Refund of contribution for deceased deferred annuitant under the Judicial Survivors' Annuities System.
 Sec. 303. Judicial administrative officials retirement matters.
 Sec. 304. Bankruptcy judges reappointment procedure.
 Sec. 305. Carrying of firearms.
 Sec. 306. Technical correction related to commencement date of temporary judgeships.
 Sec. 307. Full-time status of court reporters.
 Sec. 308. Court interpreters.
 Sec. 309. Technical amendment related to commencement date of temporary bankruptcy judgeships.
 Sec. 310. Contribution rate for senior judges under the judicial survivors' annuities system.

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 401. Increase in civil action filing fee.
 Sec. 402. Interpreter performance examination fees.
 Sec. 403. Judicial panel on multidistrict litigation.
 Sec. 404. Disposition of fees.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

Sec. 501. Parties' consent to bankruptcy judge's findings and conclusions of law.
 Sec. 502. Qualification of Chief Judge of Court of International Trade.
 Sec. 503. Judicial cost-of-living adjustments.

TITLE VI—MISCELLANEOUS

Sec. 601. Participation in judicial governance activities by district, senior, and magistrate judges.
 Sec. 602. The Director and Deputy Director of the administrative office as officers of the United States.

- Sec. 603. Removal of action from State court.
 Sec. 604. Federal judicial center employee retirement provisions.
 Sec. 605. Abolition of the special court, Regional Rail Reorganization Act of 1973.
 Sec. 606. Place of holding court in the District Court of Utah.
 Sec. 607. Exception of residency requirement for district judges appointed to the Southern District and Eastern District of New York.
 Sec. 608. Extension of civil justice expense and delay reduction reports on pilot and demonstration programs.
 Sec. 609. Extension of arbitration.

1 **TITLE I—CRIMINAL LAW AND**
 2 **CRIMINAL JUSTICE AMEND-**
 3 **MENTS**

4 **SEC. 101. NEW AUTHORITY FOR PROBATION AND PRETRIAL**
 5 **SERVICES OFFICERS.**

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

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

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

12 (3) by inserting after paragraph (8) the follow-
 13 ing new paragraph:

14 “(9) if approved by the district court, be au-
 15 thorized to carry firearms under such rules and reg-
 16 ulations as the Director of the Administrative Office
 17 of the United States Courts may prescribe; and”.

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

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

3 (2) by inserting after paragraph (12) the fol-
4 lowing new paragraph:

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

9 **SEC. 102. TORT CLAIMS ACT AMENDMENTS RELATING TO**
10 **LIABILITY OF FEDERAL PUBLIC DEFENDERS.**

11 Section 2680 of title 28, United States Code, is
12 amended by adding at the end thereof the following new
13 subsection:

14 “(o) Any claim for money damages for injury,
15 loss of liberty, loss of property, or personal injury or
16 death arising from malpractice or negligence of an
17 officer or employee of a Federal Public Defender Or-
18 ganization in furnishing representational services
19 under section 3006A of title 18.”.

1 **TITLE II—JUDICIAL PROCESS**
 2 **IMPROVEMENTS**

3 **SEC. 201. DUTIES OF MAGISTRATE JUDGE ON EMERGENCY**
 4 **ASSIGNMENT.**

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

8 **SEC. 202. CONSENT TO TRIAL IN CERTAIN CRIMINAL**
 9 **ACTIONS.**

10 (a) AMENDMENTS TO TITLE 18.—(1) Section
 11 3401(b) of title 18, United States Code, is amended—

12 (A) by inserting “, other than a petty offense,”
 13 in the first sentence after “misdemeanor”; and

14 (B) by striking out the third sentence and in-
 15 sserting in lieu thereof the following: “The magistrate
 16 judge may not proceed to try the case unless the de-
 17 fendant, after such explanation, expressly consents
 18 to be tried before the magistrate judge and expressly
 19 and specifically waives trial, judgment, and sentenc-
 20 ing by a district judge. Any such consent and waiver
 21 shall be made in writing or orally on the record.”.

22 (2) Section 3401(g) of title 18, United States Code,
 23 is amended by striking out the first sentence and inserting
 24 in lieu thereof the following: “The magistrate judge may,
 25 in a petty offense case involving a juvenile, exercise all

1 powers granted to the district court under chapter 403
2 of this title.”.

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

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

7 (2) by redesignating paragraph (4) as para-
8 graph (5) and by striking out “or infraction” in
9 such paragraph and inserting in lieu thereof “, other
10 than a petty offense,”; and

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

13 “(4) the power to enter a sentence for a petty
14 offense; and”.

15 **SEC. 203. VENUE IN CIVIL ACTIONS.**

16 (a) IN GENERAL.—Section 1392 of title 28, United
17 States Code, is amended—

18 (1) by amending the section heading to read as
19 follows:

20 **“§ 1392. Property in different districts in same State”;**

21 (2) by striking out subsection (a); and

22 (3) in subsection (b) by striking out “(b)”.

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—

24 The table of sections for chapter 87 of title 28, United

1 States Code, is amended by amending the item relating
 2 to section 1392 to read as follows:

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

3 **SEC. 204. REGISTRATION OF JUDGMENTS FOR ENFORCE-**
 4 **MENT IN OTHER DISTRICTS.**

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

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

9 **“§ 1963. Registration of judgments for enforcement in**
 10 **other districts”;**

11 (2) in the first sentence—

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

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

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

19 “The procedure prescribed under this section is in ad-
 20 dition to other procedures provided by law for the enforce-
 21 ment of judgments.”.

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—

23 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. 205. 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. Vacaney in clerk position; absence of clerk.”.

20 **SEC. 206. DIVERSITY JURISDICTION.**

21 (a) IN GENERAL.—Section 1332 of title 28, United
22 States Code, is amended—

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

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

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 this section shall take effect 90 days after the date of en-
5 actment of this Act.

6 **SEC. 207. BANKRUPTCY ADMINISTRATOR PROGRAM.**

7 (a) **APPOINTMENT OF TRUSTEES.**—Until the amend-
8 ments made by subtitle A of title II of the Bankruptcy
9 Judges, United States Trustees, and Family Farmer
10 Bankruptcy Act of 1986 (28 U.S.C. 581 note; Public Law
11 99–554; 100 Stat. 3097) become effective in a judicial dis-
12 trict and apply to a case, a bankruptcy administrator ap-
13 pointed to serve in the district pursuant to section
14 302(d)(3)(I) of such Act, as amended by section 317(a)
15 of the Federal Courts Study Committee Implementation
16 Act of 1990 (Public Law 101–650; 104 Stat. 5115), shall
17 appoint the trustees, examiners, and standing trustees
18 notwithstanding the references in those sections of title
19 11, United States Code, to appointments by the court.

20 (b) **STANDING TRUSTEES.**—A bankruptcy adminis-
21 trator who has appointed a standing trustee pursuant to
22 subsection (a) of this section shall fix the standing trust-
23 ee’s maximum annual compensation and percentage fee,
24 subject to the limitations set out in sections 1202 and
25 1302 of title 11, United States Code, as amended by sec-

1 tion 110 of the Federal Employee Pay Comparability Act
2 of 1990 (Public Law 101–509; 104 Stat. 1427, 1452).
3 The bankruptcy administrator shall fix the maximum an-
4 nual compensation and percentage fee notwithstanding the
5 references in those sections of title 11, United States
6 Code, to the court’s fixing them.

7 (c) SERVICE AS TRUSTEE.—A bankruptcy adminis-
8 trator may serve as and perform the duties of a trustee
9 in a case under chapter 7 of title 11, United States Code,
10 if none of the members of the panel of private trustees
11 is disinterested and willing to serve as trustee in the case.
12 A bankruptcy administrator may serve as and perform the
13 duties of a trustee or standing trustee in cases under
14 chapter 12 or chapter 13 of title 11, United States Code,
15 if necessary.

16 (d) APPOINTMENT OF COMMITTEES.—Until the
17 amendments made by subtitle A of title II of the Bank-
18 ruptcy Judges, United States Trustees, and Family Farm-
19 er Bankruptcy Act of 1986 become effective in a judicial
20 district and apply to a case, the bankruptcy administrator
21 appointed to serve in the district shall appoint the commit-
22 tees of creditors and equity security holders provided in
23 section 1102 of title 11, United States Code. The bank-
24 ruptcy administrator shall appoint the committees not-

1 withstanding the references in those sections of title 11,
2 United States Code, to appointments by the court.

3 **SEC. 208. REMOVAL OF CASES AGAINST THE UNITED**
4 **STATES AND FEDERAL OFFICERS OR AGEN-**
5 **CIES.**

6 (a) IN GENERAL.—Section 1442 of title 28, United
7 States Code, is amended—

8 (1) in the section heading by inserting “**or**
9 **agencies**” after “**officers**”; and

10 (2) in subsection (a)—

11 (A) in the matter preceding paragraph (1)
12 by striking out “persons”; and

13 (B) in paragraph (1) by striking out “Any
14 officer of the United States or any agency
15 thereof, or person acting under him, for any act
16 under color of such office” and inserting in lieu
17 thereof “The United States or any agency
18 thereof or any officer (or any person acting
19 under that officer) of the United States or of
20 any agency thereof, sued in an official or indi-
21 vidual capacity for any act under color of such
22 office”.

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—
24 The table of sections for chapter 89 of title 28, United

1 States Code, is amended by amending the item relating
2 to section 1442 to read as follows:

“1442. Federal officers and agencies sued or prosecuted.”.

3 **SEC. 209. APPEAL ROUTE IN CIVIL CASES DECIDED BY**
4 **MAGISTRATE JUDGES WITH CONSENT.**

5 Section 636 of title 28, United States Code, is
6 amended—

7 (1) in subsection (c)—

8 (A) in paragraph (3) by striking out “In
9 this circumstance, the” and inserting in lieu
10 thereof “The”;

11 (B) by striking out paragraphs (4) and
12 (5); and

13 (C) by redesignating paragraphs (6) and
14 (7) as paragraphs (4) and (5); and

15 (2) in subsection (d) by striking out “, and for
16 the taking and hearing of appeals to the district
17 courts,”.

18 **SEC. 210. REPORTS BY JUDICIAL COUNCILS RELATING TO**
19 **MISCONDUCT AND DISABILITY ORDERS.**

20 Section 332 of title 28, United States Code, is
21 amended by adding at the end thereof the following new
22 subsection:

23 “(g) No later than January 31 of each year, each
24 judicial council shall submit a report to the Administrative
25 Office of the United States Courts on the number and na-

1 ture of orders entered under this section during the pre-
 2 ceding calendar year that relate to judicial misconduct or
 3 disability.”.

4 **TITLE III—JUDICIARY PERSON-**
 5 **NEL ADMINISTRATION, BENE-**
 6 **FITS, AND PROTECTIONS**

7 **SEC. 301. SENIOR JUDGE CERTIFICATION.**

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

22 (b) AGGREGATION OF CERTAIN WORK FOR PARTIAL
 23 YEARS.—Section 371(f)(1) of title 28, United States
 24 Code, is amended by adding at the end of subparagraph
 25 (D) the following: “In any year in which a justice or judge

1 performs work described under this subparagraph for less
 2 than the full year, one-half of such work may be aggre-
 3 gated with work described under subparagraph (A), (B),
 4 or (C) of this paragraph for the purpose of the justice
 5 or judge satisfying the requirements of such subpara-
 6 graph.”.

7 **SEC. 302. REFUND OF CONTRIBUTION FOR DECEASED DE-**
 8 **FERRED ANNUITANT UNDER THE JUDICIAL**
 9 **SURVIVORS’ ANNUITIES SYSTEM.**

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

16 **SEC. 303. JUDICIAL ADMINISTRATIVE OFFICIALS RETIRE-**
 17 **MENT MATTERS.**

18 (a) DIRECTOR OF THE ADMINISTRATIVE OFFICE OF
 19 THE UNITED STATES COURTS.—(1) Section 611(b) of
 20 title 28, United States Code, is amended—

21 (A) in the first undesignated paragraph by
 22 striking out “who has served at least fifteen years
 23 and” and inserting in lieu thereof “who has at least
 24 15 years of service and has”; and

1 (B) in the second undesignated paragraph by
2 striking out “who has served at least ten years,”
3 and inserting in lieu thereof “who has at least 10
4 years of service,”.

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

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

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

13 (3) Section 611(d) of title 28, United States Code,
14 is amended by inserting “a congressional employee in the
15 capacity of primary administrative assistant to a Member
16 of Congress or in the capacity of staff director or chief
17 counsel for the majority or the minority of a committee
18 or subcommittee of the Senate or House of Representa-
19 tives,” after “Congress,”.

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

23 (A) in the first undesignated paragraph by
24 striking out “who has served at least fifteen years

1 and” and inserting in lieu thereof “who has at least
2 15 years of service and has”; and

3 (B) in the second undesignated paragraph by
4 striking out “who has served at least ten years,”
5 and inserting in lieu thereof “who has at least 10
6 years of service,”.

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

9 (A) by striking out “served at least fifteen
10 years,” and inserting in lieu thereof “at least 15
11 years of service,”; and

12 (B) by striking out “served less than fifteen
13 years,” and inserting in lieu thereof “less than 15
14 years of service,”.

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

1 **SEC. 304. BANKRUPTCY JUDGES REAPPOINTMENT PROCE-**
2 **DURE.**

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

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

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

12 (2) in subsection (b) by adding at the end
13 thereof the following: “All incumbent nominees seek-
14 ing reappointment thereafter may be considered for
15 such a reappointment, pursuant to a majority vote
16 of the judges of the appointing court of appeals,
17 under procedures authorized under subsection
18 (a)(3).”.

19 **SEC. 305. CARRYING OF FIREARMS.**

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

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

24 “(a) A judicial officer of the United States is author-
25 ized to carry firearms, whether concealed or not, under

1 regulations promulgated by the Judicial Conference of the
2 United States.

3 “(b) A judicial officer of the United States is immune
4 from civil liability when possessing or using a firearm, for
5 the purpose of self defense, under the authority of this
6 section and in accordance with Judicial Conference regula-
7 tion.

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

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

12 “(2) a United States bankruptcy judge;

13 “(3) a full-time or part-time United States
14 magistrate judge;

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

17 “(5) a judge of the United States District
18 Court of Guam;

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

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

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

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

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

5 (c) EFFECTIVE DATE.—The amendments made by
 6 this section shall take effect 1 year after the date of the
 7 enactment of this Act.

8 **SEC. 306. TECHNICAL CORRECTION RELATED TO COM-**
 9 **MENCEMENT DATE OF TEMPORARY JUDGE-**
 10 **SHIPS.**

11 Section 203(c) of the Judicial Improvements Act of
 12 1990 (Public Law 101–650; 104 Stat. 5101; 28 U.S.C.
 13 133 note) is amended by adding at the end thereof the
 14 following: “For districts named in this subsection for
 15 which multiple judgeships are created by this Act, the last
 16 of those judgeships filled shall be the judgeship created
 17 under this subsection.”.

18 **SEC. 307. FULL-TIME STATUS OF COURT REPORTERS.**

19 Section 753(e) of title 28, United States Code, is
 20 amended by inserting after the first sentence the follow-
 21 ing: “For the purposes of subchapter III of chapter 83
 22 of title 5 and chapter 84 of such title, a reporter shall
 23 be considered a full-time employee during any pay period
 24 for which a reporter receives a salary at the annual salary

1 rate fixed for a full-time reporter under the preceding sen-
2 tence.”.

3 **SEC. 308. COURT INTERPRETERS.**

4 Section 1827 of title 28, United States Code, is
5 amended by adding at the end thereof the following new
6 subsection:

7 “(1) Notwithstanding any other provision of this sec-
8 tion or section 1828, the presiding judicial officer may ap-
9 point a certified or otherwise qualified sign language inter-
10 preter to provide services to a party, witness, or other par-
11 ticipant in a judicial proceeding, whether or not the pro-
12 ceeding is instituted by the United States, if the presiding
13 judicial officer determines, on such officer’s own motion
14 or on the motion of a party or other participant in the
15 proceeding, that such individual suffers from a hearing
16 impairment. The presiding judicial officer shall, subject to
17 the availability of appropriated funds, approve the com-
18 pensation and expenses payable to sign language inter-
19 preters appointed under this section in accordance with
20 the schedule of fees prescribed by the Director under sub-
21 section (b)(3) of this section.”.

1 **SEC. 309. TECHNICAL AMENDMENT RELATED TO COM-**
2 **MENCEMENT DATE OF TEMPORARY BANK-**
3 **RUPTCY JUDGESHIPS.**

4 Section 3(b) of the Bankruptcy Judgeship Act of
5 1992 (Public Law 102–361; 106 Stat. 965; 28 U.S.C. 152
6 note) is amended in the first sentence by striking out
7 “date of the enactment of this Act” and inserting in lieu
8 thereof “appointment date of the judge named to fill the
9 temporary judgeship position”.

10 **SEC. 310. CONTRIBUTION RATE FOR SENIOR JUDGES**
11 **UNDER THE JUDICIAL SURVIVORS’ ANNU-**
12 **ITIES SYSTEM.**

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

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

23 “(A) of a justice or judge of the United States
24 retired from regular active service under section
25 371(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 **TITLE IV—JUDICIAL FINANCIAL**
9 **ADMINISTRATION**

10 **SEC. 401. INCREASE IN CIVIL ACTION FILING FEE.**

11 (a) **FILING FEE INCREASE.**—Section 1914(a) of title
12 28, United States Code, is amended by striking out
13 “\$120” and inserting in lieu thereof “\$150”.

14 (b) **DISPOSITION OF INCREASE.**—Section 1931 of
15 title 28, United States Code, is amended—

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

18 (2) in subsection (b)—

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

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

23 (c) **EFFECTIVE DATE.**—This section shall take effect
24 60 days after the date of the enactment of this Act.

1 **SEC. 402. INTERPRETER PERFORMANCE EXAMINATION**
2 **FEEES.**

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

7 “(5) If the Director of the Administrative Office of
8 the United States Courts finds it necessary to develop and
9 administer criterion-referenced performance examinations
10 for purposes of certification, or other examinations for the
11 selection of otherwise qualified interpreters, the Director
12 may prescribe for each examination a uniform fee for ap-
13 plicants to take such examination. In determining the rate
14 of the fee for each examination, the Director shall consider
15 the fees charged by other organizations for examinations
16 that are similar in scope or nature. Notwithstanding sec-
17 tion 3302(b) of title 31, the Director is authorized to pro-
18 vide in any contract or agreement for the development or
19 administration of examinations and the collection of fees
20 that the contractor may retain all or a portion of the fees
21 in payment for the services. Notwithstanding paragraph
22 (6) of this subsection, all fees collected after the effective
23 date of this paragraph and not retained by a contractor
24 shall be deposited in the fund established under section
25 1931 of this title and shall remain available until ex-
26 pended.”.

1 (b) PAYMENT FOR CONTRACTUAL SERVICES.—Not-
 2 withstanding sections 3302(b), 1341, and 1517 of title 31,
 3 United States Code, the Director of the Administrative Of-
 4 fice of the United States Courts may include in any con-
 5 tract for the development or administration of examina-
 6 tions for interpreters (including such a contract entered
 7 into before the date of the enactment of this Act) a provi-
 8 sion which permits the contractor to collect and retain fees
 9 in payment for contractual services in accordance with sec-
 10 tion 1827(g)(5) of title 28, United States Code.

11 **SEC. 403. JUDICIAL PANEL ON MULTIDISTRICT LITIGATION.**

12 (a) IN GENERAL.—(1) Chapter 123 of title 28, Unit-
 13 ed States Code, is amended by adding after section 1931
 14 the following new section:

15 **“§ 1932. Judicial Panel on Multidistrict Litigation**

16 “The Judicial Conference of the United States shall
 17 prescribe from time to time the fees and costs to be
 18 charged and collected by the Judicial Panel on Multidis-
 19 trict Litigation.”.

20 (2) The table of sections for chapter 123 of title 28,
 21 United States Code, is amended by adding after the item
 22 relating to section 1931 the following:

“1932. Judicial Panel on Multidistrict Litigation.”.

23 (b) RELATED FEES FOR ACCESS TO INFORMA-
 24 TION.—Section 303(a) of the Judiciary Appropriations
 25 Act, 1992 (Public Law 102–140; 105 Stat. 810; 28 U.S.C.

1 1913 note) is amended in the first sentence by striking
2 out “1926, and 1930” and inserting in lieu thereof “1926,
3 1930, and 1932”.

4 **SEC. 404. DISPOSITION OF FEES.**

5 (a) DISPOSITION OF ATTORNEY ADMISSION FEES.—
6 For each fee collected for admission of an attorney to
7 practice, as prescribed by the Judicial Conference of the
8 United States pursuant to section 1914 of title 28, United
9 States Code, \$30 of that portion of the fee exceeding \$20
10 shall be deposited into the special fund of the Treasury
11 established under section 1931 of title 28, United States
12 Code. Any portion exceeding \$5 of the fee for a duplicate
13 certificate of admission or certificate of good standing, as
14 prescribed by the Judicial Conference of the United States
15 pursuant to section 1914 of title 28, United States Code,
16 shall be deposited into the special fund of the Treasury
17 established under section 1931 of title 28, United States
18 Code.

19 (b) DISPOSITION OF BANKRUPTCY COMPLAINT FIL-
20 ING FEES.—For each fee collected for filing an adversary
21 complaint in a bankruptcy proceeding, as established in
22 Item 6 of the Bankruptcy Court Miscellaneous Fee Sched-
23 ule prescribed by the Judicial Conference of the United
24 States pursuant to section 1930(b) of title 28, United
25 States Code, the portion of the fee exceeding \$120 shall

1 be deposited into the special fund of the Treasury estab-
 2 lished under section 1931 of title 28, United States Code.

3 (c) EFFECTIVE DATE.—This section shall take effect
 4 60 days after the date of the enactment of this Act.

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

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

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

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

1 come final and the bankruptcy judge shall enter an appro-
 2 priate order thereon.”.

3 **SEC. 502. QUALIFICATION OF CHIEF JUDGE OF COURT OF**
 4 **INTERNATIONAL TRADE.**

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

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

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

12 “(A) are 64 years of age or under;

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

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

16 “(2)(A) In any case in which no judge of the court
 17 meets the qualifications under paragraph (1), the young-
 18 est judge in regular active service who is 65 years of age
 19 or over and who has served as a judge of the court for
 20 1 year or more shall act as the chief judge.

21 “(B) In any case under subparagraph (A) in which
 22 there is no judge of the court in regular active service who
 23 has served as a judge of the court for 1 year or more,
 24 the judge of the court in regular active service who is sen-

1 ior in commission and who has not served previously as
2 chief judge shall act as the chief judge.

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

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

12 “(C) No judge of the court may serve or act as chief
13 judge of the court after attaining the age of 70 years un-
14 less no other judge is qualified to serve as chief judge
15 under paragraph (1) or is qualified to act as chief judge
16 under paragraph (2).

17 “(b) The chief judge shall have precedence and pre-
18 side at any session of the court which such judge attends.
19 Other judges of the court shall have precedence and pre-
20 side according to the seniority of their commissions.
21 Judges whose commissions bear the same date shall have
22 precedence according to seniority in age.

23 “(c) If the chief judge desires to be relieved of the
24 duties as chief judge while retaining active status as a
25 judge of the court, the chief judge may so certify to the

1 Chief Justice of the United States, and thereafter the
 2 chief judge of the court shall be such other judge of the
 3 court who is qualified to serve or act as chief judge under
 4 subsection (a).

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

9 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
 10 Chapter 11 of title 28, United States Code, is amended—

11 (1) in section 251 by striking out subsection (b)
 12 and redesignating subsection (c) as subsection (b);

13 (2) in section 253—

14 (A) by amending the section heading to
 15 read as follows:

16 “§ 253. Duties of chief judge.”;

17 and

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

19 and

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

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

“253. Duties of chief judge.”;

24 and

1 (B) by adding at the end thereof the fol-
 2 lowing:

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

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

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

12 (B) The regular active status of the chief judge
 13 is terminated.

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

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

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

21 **SEC. 503. JUDICIAL COST-OF-LIVING ADJUSTMENTS.**

22 Section 140 of the resolution entitled “A Joint Reso-
 23 lution making further continuing appropriations for the
 24 fiscal year 1982, and for other purposes.”, approved De-

1 cember 15, 1981 (Public Law 97–92; 95 Stat. 1200; 28
2 U.S.C. 461 note) is repealed.

3 **TITLE VI—MISCELLANEOUS**

4 **SEC. 601. PARTICIPATION IN JUDICIAL GOVERNANCE AC-** 5 **TIVITIES BY DISTRICT, SENIOR, AND MAG-** 6 **ISTRATE JUDGES.**

7 (a) JUDICIAL CONFERENCE OF THE UNITED
8 STATES.—Section 331 of title 28, United States Code, is
9 amended by striking out the second undesignated para-
10 graph and inserting in lieu thereof the following:

11 “The district judge to be summoned from each judi-
12 cial circuit shall be chosen by the circuit and district
13 judges of the circuit and shall serve as a member of the
14 Judicial Conference of the United States for a term of
15 not less than 3 successive years nor more than 5 succes-
16 sive years, as established by majority vote of all circuit
17 and district judges of the circuit. A district judge serving
18 as a member of the Judicial Conference may be either a
19 judge in regular active service or a judge retired from reg-
20 ular active service under section 371(b) of this title.”.

21 (b) BOARD OF THE FEDERAL JUDICIAL CENTER.—
22 Section 621 of title 28, United States Code, is amended—

- 23 (1) in subsection (a) by striking out paragraph
24 (2) and inserting in lieu thereof the following:

1 “(2) two circuit judges, three district judges,
2 one bankruptcy judge, and one magistrate judge,
3 elected by vote of the members of the Judicial Con-
4 ference of the United States, except that any circuit
5 or district judge so elected may be either a judge in
6 regular active service or a judge retired from regular
7 active service under section 371(b) of this title but
8 shall not be a member of the Judicial Conference of
9 the United States; and”;

10 (2) in subsection (b) by striking out “retire-
11 ment,” and inserting in lieu thereof “retirement pur-
12 suant to section 371(a) or section 372(a) of this
13 title.”.

14 **SEC. 602. THE DIRECTOR AND DEPUTY DIRECTOR OF THE**
15 **ADMINISTRATIVE OFFICE AS OFFICERS OF**
16 **THE UNITED STATES.**

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

21 **SEC. 603. REMOVAL OF ACTION FROM STATE COURT.**

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

1 **SEC. 604. 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),”.

11 **SEC. 605. ABOLITION OF THE SPECIAL COURT, REGIONAL**
 12 **RAIL REORGANIZATION ACT OF 1973.**

13 (a) ABOLITION OF THE SPECIAL COURT.—Section
 14 209 of the Regional Rail Reorganization Act of 1973 (45
 15 U.S.C. 719) is amended in subsection (b)—

16 (1) by inserting “(1)” before “Within 30 days
 17 after”; and

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

20 “(2) The special court referred to in paragraph (1)
 21 of this subsection is abolished effective 90 days after the
 22 date of enactment of the Federal Courts Improvement Act
 23 of 1996. On such effective date, all jurisdiction and other
 24 functions of the special court shall be assumed by the
 25 United States District Court for the District of Columbia.
 26 With respect to any proceedings that arise or continue

1 after the date on which the special court is abolished, the
2 references in the following provisions to the special court
3 established under this subsection shall be deemed to refer
4 to the United States District Court for the District of Co-
5 lumbia:

6 “(A) Subsections (c), (e)(1), (e)(2), (f) and (g)
7 of this section.

8 “(B) Sections 202 (d)(3), (g), 207 (a)(1),
9 (b)(1), (b)(2), 208(d)(2), 301 (e)(2), (g), (k)(3),
10 (k)(15), 303 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1),
11 (c)(2), (c)(3), (c)(4), (c)(5), 304 (a)(1)(B), (i)(3),
12 305 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8),
13 (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 306
14 (a), (b), (c)(4), and 601 (b)(3), (c) of this Act (45
15 U.S.C. 712 (d)(3), (g), 717 (a)(1), (b)(1), (b)(2),
16 718(d)(2), 741 (e)(2), (g), (k)(3), (k)(15), 743
17 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2),
18 (c)(3), (c)(4), (c)(5), 744 (a)(1)(B), (i)(3), 745 (c),
19 (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e),
20 (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 746 (a),
21 (b), (c)(4), 791 (b)(3), (c)).

22 “(C) Sections 1152(a) and 1167(b) of the
23 Northeast Rail Service Act of 1981 (45 U.S.C.
24 1105(a), 1115(a)).

1 “(D) Sections 4023 (2)(A)(iii), (2)(B), (2)(C),
2 (3)(C), (3)(E), (4)(A) and 4025(b) of the Conrail
3 Privatization Act (45 U.S.C. 1323 (2)(A)(iii),
4 (2)(B), (2)(C), (3)(C), (3)(E), (4)(A), 1324(b)).

5 “(E) Section 24907(b) of title 49, United
6 States Code.

7 “(F) Any other Federal law (other than this
8 subsection and section 605 of the Federal Courts
9 Improvement Act of 1996), Executive order, rule,
10 regulation, delegation of authority, or document of
11 or relating to the special court as previously estab-
12 lished under paragraph (1) of this subsection.”.

13 (b) APPELLATE REVIEW.—(1) Section 209(e) of the
14 Regional Rail Reorganization Act of 1973 (45 U.S.C. 719)
15 is amended by striking out the paragraph following para-
16 graph (2) and inserting in lieu thereof the following:

17 “(3) An order or judgment of the United States Dis-
18 trict Court for the District of Columbia in any action re-
19 ferred to in this section shall be reviewable in accordance
20 with sections 1291, 1292, and 1294 of title 28, United
21 States Code.”.

22 (2) Section 303 of the Regional Rail Reorganization
23 Act of 1973 (45 U.S.C. 743) is amended by striking out
24 subsection (d) and inserting in lieu thereof the following:

1 “(d) APPEAL.—An order or judgment entered by the
2 United States District Court for the District of Columbia
3 pursuant to subsection (c) of this section or section 306
4 shall be reviewable in accordance with sections 1291,
5 1292, and 1294 of title 28, United States Code.”.

6 (3) Section 1152 of the Northeast Rail Service Act
7 of 1981 (45 U.S.C. 1105) is amended by striking out sub-
8 section (b) and inserting in lieu thereof the following:

9 “(b) APPEAL.—An order or judgment of the United
10 States District Court for the District of Columbia in any
11 action referred to in this section shall be reviewable in ac-
12 cordance with sections 1291, 1292, and 1294 of title 28,
13 United States Code.”.

14 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
15 (1) Section 209 of the Regional Rail Reorganization Act
16 of 1973 (45 U.S.C. 719) is further amended—

17 (A) in subsection (g) by inserting “or Court of
18 Appeals for the District of Columbia Circuit” after
19 “Supreme Court”; and

20 (B) by striking out subsection (h).

21 (2) Section 305(d)(4) of the Regional Rail Reorga-
22 nization Act of 1973 (45 U.S.C. 745(d)) is amended by
23 striking out “a judge of the United States district court
24 with respect to such proceedings and such powers shall
25 include those of”.

1 (3) Section 1135(a)(8) of the Northeast Rail Service
2 Act of 1981 (45 U.S.C. 1104(8)) is amended to read as
3 follows:

4 “(8) ‘Special court’ means the judicial panel estab-
5 lished under section 209(b)(1) of the Regional Rail Reor-
6 ganization Act of 1973 (45 U.S.C. 719(b)(1)) or, with re-
7 spect to any proceedings that arise or continue after the
8 panel is abolished pursuant to section 209(b)(2) of such
9 Act, the United States District Court for the District of
10 Columbia.”.

11 (4) Section 1152 of the Northeast Rail Service Act
12 of 1981 (45 U.S.C. 1105) is further amended by striking
13 out subsection (d).

14 (d) PENDING CASES.—Effective 90 days after the
15 date of enactment of this Act, any case pending in the
16 special court established under section 209(b) of the Re-
17 gional Rail Reorganization Act of 1973 (45 U.S.C.
18 719(b)) shall be assigned to the United States District
19 Court for the District of Columbia as though the case had
20 originally been filed in that court. The amendments made
21 by subsection (b) of this section shall not apply to any
22 final order or judgment entered by the special court for
23 which—

1 (1) a petition for writ of certiorari has been
 2 filed before the date on which the special court is
 3 abolished; or

4 (2) the time for filing a petition for writ of cer-
 5 tiorari has not expired before that date.

6 (e) EFFECTIVE DATE.—The amendments made by
 7 subsections (b) and (c) of this section shall take effect 90
 8 days after the date of enactment of this Act and, except
 9 as provided in subsection (d), shall apply with respect to
 10 proceedings that arise or continue after such effective
 11 date.

12 **SEC. 606. PLACE OF HOLDING COURT IN THE DISTRICT**
 13 **COURT OF UTAH.**

14 (a) NORTHERN DIVISION.—Section 125(1) of title
 15 28, United States Code, is amended by inserting “Salt
 16 Lake City and” before “Ogden”.

17 (b) CENTRAL DIVISION.—Section 125(2) of title 28,
 18 United States Code, is amended by inserting “, Provo, and
 19 St. George” after “Salt Lake City”.

20 **SEC. 607. EXCEPTION OF RESIDENCY REQUIREMENT FOR**
 21 **DISTRICT JUDGES APPOINTED TO THE**
 22 **SOUTHERN DISTRICT AND EASTERN DIS-**
 23 **TRICT OF NEW YORK.**

24 Section 134(b) of title 28, United States Code, is
 25 amended—

1 (1) by inserting “the Southern District of New
2 York, and the Eastern District of New York,” after
3 “the District of Columbia,”; and

4 (2) by inserting at the end the following: “Each
5 district judge of the Southern District of New York
6 and the Eastern District of New York may reside
7 within 20 miles of the district to which he or she is
8 appointed.”.

9 **SEC. 608. EXTENSION OF CIVIL JUSTICE EXPENSE AND**
10 **DELAY REDUCTION REPORTS ON DEM-**
11 **ONSTRATION AND PILOT PROGRAMS.**

12 (a) DEMONSTRATION PROGRAM.—Section 104(d) of
13 the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note)
14 is amended by striking out “December 31, 1996,” and in-
15 serting in lieu thereof “June 30, 1997,”.

16 (b) PILOT PROGRAM.—Section 105(c)(1) of the Civil
17 Justice Reform Act of 1990 (28 U.S.C. 471 note) is
18 amended by striking out “December 31, 1996,” and in-
19 serting in lieu thereof “June 30, 1997,”.

20 **SEC. 609. EXTENSION OF ARBITRATION.**

21 Section 905 of the Judicial Improvements and Access
22 to Justice Act (28 U.S.C. 651 note) is amended in the
23 first sentence by striking out “1997” and inserting in lieu
24 thereof “1998”.

○