

105TH CONGRESS  
2D SESSION

# S. 2516

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

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 1998

Mr. GRASSLEY (for himself and Mr. DURBIN) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## 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 AND TABLE OF CONTENTS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5       “Federal Courts Improvement Act of 1998”.

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

Sec. 1. Short title and table of contents.

### TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 101. Extension of Judiciary Information Technology Fund.

Sec. 102. Bankruptcy fees.

Sec. 103. Disposition of miscellaneous fees.

## TITLE II—JUDICIAL PROCESS IMPROVEMENTS

- Sec. 201. Extension of statutory authority for magistrate judge positions to be established in the district courts of Guam and the Northern Mariana Islands.
- Sec. 202. Magistrate judge contempt authority.
- Sec. 203. Consent to magistrate judge authority in petty offense cases and magistrate judge authority in misdemeanor cases involving juvenile defendants.
- Sec. 204. Savings and loan data reporting requirements.
- Sec. 205. Membership in circuit judicial councils.
- Sec. 206. Sunset of civil justice expense and delay reduction plans.
- Sec. 207. Repeal of Court of Federal Claims filing fee.
- Sec. 208. Technical bankruptcy correction.
- Sec. 209. Technical amendment relating to the treatment of certain bankruptcy fees collected.

## TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

- Sec. 301. Judicial administrative officials retirement matters.
- Sec. 302. Travel expenses of judges.
- Sec. 303. Transfer of county to Middle District of Pennsylvania.
- Sec. 304. Payments to military survivors benefits plan.
- Sec. 305. Creation of certifying officers in the judicial branch.
- Sec. 306. Authority to prescribe fees for technology resources in the courts.

## TITLE IV—FEDERAL PUBLIC DEFENDERS

- Sec. 401. Tort Claims Act amendment relating to liability of Federal public defenders.

# 1    **TITLE I—JUDICIAL FINANCIAL** 2    **ADMINISTRATION**

## 3    **SEC. 101. EXTENSION OF JUDICIARY INFORMATION TECH-** 4    **NOLOGY FUND.**

5        Section 612 of title 28, United States Code, is  
6 amended—

7            (1) by striking “equipment” each place it ap-  
8            pears and inserting “resources”;

9            (2) by striking subsection (f) and redesignating  
10        subsequent subsections accordingly;

1 (3) in subsection (g), as so redesignated, by  
 2 striking paragraph (3); and

3 (4) in subsection (i), as so redesignated—

4 (A) by striking “Judiciary” each place it  
 5 appears and inserting “judiciary”;

6 (B) by striking “subparagraph (c)(1)(B)”  
 7 and inserting “subsection (c)(1)(B)”; and

8 (C) by striking “under (c)(1)(B)” and in-  
 9 serting “under subsection (c)(1)(B)”.

10 **SEC. 102. BANKRUPTCY FEES.**

11 Subsection (a) of section 1930 of title 28, United  
 12 States Code, is amended by adding at the end the follow-  
 13 ing new paragraph:

14 “(7) In districts that are not part of a United  
 15 States trustee region as defined in section 581 of  
 16 this title, the Judicial Conference of the United  
 17 States may require the debtor in a case under chap-  
 18 ter 11 of title 11 to pay fees equal to those imposed  
 19 by paragraph (6) of this subsection. Such fees shall  
 20 be deposited as offsetting receipts to the fund estab-  
 21 lished under section 1931 of this title and shall re-  
 22 main available until expended.”.

23 **SEC. 103. DISPOSITION OF MISCELLANEOUS FEES.**

24 For fiscal year 1999 and thereafter, any portion of  
 25 miscellaneous fees collected as prescribed by the Judicial

1 Conference of the United States pursuant to sections  
 2 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28,  
 3 United States Code, exceeding the amount of such fees  
 4 in effect on September 30, 1998, shall be deposited into  
 5 the special fund of the Treasury established under section  
 6 1931 of title 28, United States Code.

## 7 **TITLE II—JUDICIAL PROCESS** 8 **IMPROVEMENTS**

### 9 **SEC. 201. EXTENSION OF STATUTORY AUTHORITY FOR** 10 **MAGISTRATE JUDGE POSITIONS TO BE ES-** 11 **TABLISHED IN THE DISTRICT COURTS OF** 12 **GUAM AND THE NORTHERN MARIANA IS-** 13 **LANDS.**

14 Section 631 of title 28, United States Code, is  
 15 amended—

16 (1) by striking the first two sentences of sub-  
 17 section (a) and inserting the following: “The judges  
 18 of each United States district court and the district  
 19 courts of the Virgin Islands, Guam, and the North-  
 20 ern Mariana Islands shall appoint United States  
 21 magistrate judges in such numbers and to serve at  
 22 such locations within the judicial districts as the Ju-  
 23 dicial Conference may determine under this chapter.  
 24 In the case of a magistrate judge appointed by the  
 25 district court of the Virgin Islands, Guam, or the

1 Northern Mariana Islands, this chapter shall apply  
 2 as though the court appointing such a magistrate  
 3 judge were a United States district court.”; and

4 (2) by inserting in the first sentence of para-  
 5 graph (1) of subsection (b) after “Commonwealth of  
 6 Puerto Rico,” the following: “the Territory of Guam,  
 7 the Commonwealth of the Northern Mariana Is-  
 8 lands,”.

9 **SEC. 202. MAGISTRATE JUDGE CONTEMPT AUTHORITY.**

10 Section 636(e) of title 28, United States Code, is  
 11 amended to read as follows:

12 “(e) CONTEMPT AUTHORITY.—

13 “(1) IN GENERAL.—A United States magistrate  
 14 judge serving under this chapter shall have within  
 15 the territorial jurisdiction prescribed by his or her  
 16 appointment the power to exercise contempt author-  
 17 ity as set forth in this subsection.

18 “(2) SUMMARY CRIMINAL CONTEMPT AUTHOR-  
 19 ITY.—A magistrate judge shall have the power to  
 20 punish summarily by fine or imprisonment such con-  
 21 tempt of his or her authority constituting mis-  
 22 behavior of any person in the magistrate judge’s  
 23 presence so as to obstruct the administration of jus-  
 24 tice. The order of contempt shall be issued pursuant  
 25 to the Federal Rules of Criminal Procedure.

1           “(3) ADDITIONAL CRIMINAL CONTEMPT AU-  
2           THORITY IN CIVIL CONSENT AND MISDEMEANOR  
3           CASES.—In any case in which a United States mag-  
4           istrate judge presides with the consent of the parties  
5           under subsection (c) of this section, and in any mis-  
6           demeanor case proceeding before a magistrate judge  
7           under section 3401 of title 18, the magistrate judge  
8           shall have the power to punish by fine or imprison-  
9           ment criminal contempt constituting disobedience or  
10          resistance to the magistrate judge’s lawful writ,  
11          process, order, rule, decree, or command. Disposition  
12          of such contempt shall be conducted upon notice and  
13          hearing pursuant to the Federal Rules of Criminal  
14          Procedure.

15          “(4) CIVIL CONTEMPT AUTHORITY IN CIVIL  
16          CONSENT AND MISDEMEANOR CASES.—In any case  
17          in which a United States magistrate judge presides  
18          with the consent of the parties under subsection (c)  
19          of this section, and in any misdemeanor case pro-  
20          ceeding before a magistrate judge under section  
21          3401 of title 18, the magistrate judge may exercise  
22          the civil contempt authority of the district court.  
23          This paragraph shall not be construed to limit the  
24          authority of a magistrate judge to order sanctions  
25          pursuant to any other statute, the Federal Rules of

1 Civil Procedure, or the Federal Rules of Criminal  
2 Procedure.

3 “(5) CRIMINAL CONTEMPT PENALTIES.—The  
4 sentence imposed by a magistrate judge for any  
5 criminal contempt provided for in paragraphs (2)  
6 and (3) shall not exceed the penalties for a Class C  
7 misdemeanor as set forth in sections 3581(b)(8) and  
8 3571(b)(6) of title 18.

9 “(6) CERTIFICATION OF OTHER CONTEMPTS TO  
10 THE DISTRICT COURT.—Upon the commission of any  
11 such act—

12 “(A) in any case in which a United States  
13 magistrate judge presides with the consent of  
14 the parties under subsection (c) of this section,  
15 or in any misdemeanor case proceeding before  
16 a magistrate judge under section 3401 of title  
17 18, that may, in the opinion of the magistrate  
18 judge, constitute a serious criminal contempt  
19 punishable by penalties exceeding those set  
20 forth in paragraph (5) of this subsection; or

21 “(B) in any other case or proceeding under  
22 subsection (a) or (b) of this section, or any  
23 other statute, where—

24 “(i) the act committed in the mag-  
25 istrate judge’s presence may, in the opin-

ion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection;

“(ii) the act that constitutes a criminal contempt occurs outside the presence of the magistrate judge; or

“(iii) the act constitutes a civil contempt,

the magistrate judge shall forthwith certify the facts to a district judge and may serve or cause to be served upon any person whose behavior is brought into question under this paragraph an order requiring such person to appear before a district judge upon a day certain to show cause why he or she should not be adjudged in contempt by reason of the facts so certified. The district judge shall thereupon hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a district judge.

“(7) APPEALS OF MAGISTRATE JUDGE CONTEMPT ORDERS.—The appeal of an order of contempt pursuant to this subsection shall be made to



the court of appeals in cases proceeding under subsection (c) of this section. In any other proceeding in which a United States magistrate judge presides under subsection (a) or (b) of this section, section 3401 of title 18, or any other statute, the appeal of a magistrate judge’s summary contempt order shall be made to the district court.”.

**SEC. 203. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN  
PETTY OFFENSE CASES AND MAGISTRATE  
JUDGE AUTHORITY IN MISDEMEANOR CASES  
INVOLVING JUVENILE DEFENDANTS.**

(a) AMENDMENTS TO TITLE 18.—

(1) PETTY OFFENSE CASES.—Section 3401(b) of title 18, United States Code, is amended by striking “that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction,” after “petty offense”.

(2) CASES INVOLVING JUVENILES.—Section 3401(g) of title 18, United States Code, is amended—

(A) by striking the first sentence and inserting the following: “The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.”;

1 (B) in the second sentence by striking  
 2 “any other class B or C misdemeanor case”  
 3 and inserting “the case of any misdemeanor,  
 4 other than a petty offense,”; and

5 (C) by striking the last sentence.

6 (b) AMENDMENTS TO TITLE 28.—Section 636(a) of  
 7 title 28, United States Code, is amended by striking para-  
 8 graphs (4) and (5) and inserting in the following:

9 “(4) the power to enter a sentence for a petty  
 10 offense; and

11 “(5) the power to enter a sentence for a class  
 12 A misdemeanor in a case in which the parties have  
 13 consented.”.

14 **SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIRE-**  
 15 **MENTS.**

16 Section 604 of title 28, United States Code, is  
 17 amended in subsection (a) by striking the second para-  
 18 graph designated (24).

19 **SEC. 205. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.**

20 Section 332(a) of title 28, United States Code, is  
 21 amended—

22 (1) by striking paragraph (3) and inserting the  
 23 following:

24 “(3) Except for the chief judge of the circuit, either  
 25 judges in regular active service or judges retired from reg-

1 ular active service under section 371(b) of this title may  
 2 serve as members of the council. Service as a member of  
 3 a judicial council by a judge retired from regular active  
 4 service under section 371(b) may not be considered for  
 5 meeting the requirements of section 371(f) (1)(A), (B),  
 6 or (C).”; and

7 (2) in paragraph (5) by striking “retirement,”  
 8 and inserting “retirement under section 371(a) or  
 9 section 372(a) of this title,”.

10 **SEC. 206. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY**  
 11 **REDUCTION PLANS.**

12 Section 103(b)(2)(A) of the Civil Justice Reform Act  
 13 of 1990 (Public Law 101–650; 104 Stat. 5096; 28 U.S.C.  
 14 471 note), as amended by Public Law 105–53 (111 Stat.  
 15 1173), is amended by inserting “471,” after “sections”.

16 **SEC. 207. REPEAL OF COURT OF FEDERAL CLAIMS FILING**  
 17 **FEE.**

18 Section 2520 of title 28, United States Code, and the  
 19 item relating to such section in the table of contents for  
 20 chapter 165 of such title, are repealed.

21 **SEC. 208. TECHNICAL BANKRUPTCY CORRECTION.**

22 Section 1228 of title 11, United States Code, is  
 23 amended by striking “1222(b)(10)” each place it appears  
 24 and inserting “1222(b)(9)”.

1 **SEC. 209. TECHNICAL AMENDMENT RELATING TO THE**  
2 **TREATMENT OF CERTAIN BANKRUPTCY FEES**  
3 **COLLECTED.**

4 (a) AMENDMENT.—The first sentence of section  
5 406(b) of the Departments of Commerce, Justice, and  
6 State, the Judiciary, and Related Agencies Appropriations  
7 Act, 1990 (Public Law 101–162; 103 Stat. 1016; 28  
8 U.S.C. 1931 note) is amended by striking “service enu-  
9 merated after item 18” and inserting “service not of a  
10 kind described in any of the items enumerated as items  
11 1 through 7 and as items 9 through 18, as in effect on  
12 November 21, 1989,”.

13 (b) APPLICATION OF AMENDMENT.—The amendment  
14 made by subsection (a) shall not apply with respect to fees  
15 collected before the date of the enactment of this Act.

16 **TITLE III—JUDICIAL PERSON-**  
17 **NEL ADMINISTRATION, BENE-**  
18 **FITS, AND PROTECTIONS**

19 **SEC. 301. JUDICIAL ADMINISTRATIVE OFFICIALS RETIRE-**  
20 **MENT MATTERS.**

21 (a) DIRECTOR OF ADMINISTRATIVE OFFICE.—Sec-  
22 tion 611 of title 28, United States Code, is amended—

23 (1) in subsection (d), by inserting “a congres-  
24 sional employee in the capacity of primary adminis-  
25 trative assistant to a Member of Congress or in the  
26 capacity of staff director or chief counsel for the ma-

1 jority or the minority of a committee or subcommit-  
 2 tee of the Senate or House of Representatives,”  
 3 after “Congress,”;

4 (2) in subsection (b)—

5 (A) by striking “who has served at least  
 6 fifteen years and” and inserting “who has at  
 7 least fifteen years of service and has”; and

8 (B) in the first undesignated paragraph,  
 9 by striking “who has served at least ten years,”  
 10 and inserting “who has at least ten years of  
 11 service,”; and

12 (3) in subsection (c)—

13 (A) by striking “served at least fifteen  
 14 years,” and inserting “at least fifteen years of  
 15 service,”; and

16 (B) by striking “served less than fifteen  
 17 years,” and inserting “less than fifteen years of  
 18 service,”.

19 (b) DIRECTOR OF THE FEDERAL JUDICIAL CEN-  
 20 TER.—Section 627 of title 28, United States Code, is  
 21 amended—

22 (1) in subsection (e), by inserting “a congres-  
 23 sional employee in the capacity of primary adminis-  
 24 trative assistant to a Member of Congress or in the  
 25 capacity of staff director or chief counsel for the ma-

1 jority or the minority of a committee or subcommit-  
 2 tee of the Senate or House of Representatives,”  
 3 after “Congress,”;

4 (2) in subsection (c)—

5 (A) by striking “who has served at least  
 6 fifteen years and” and inserting “who has at  
 7 least fifteen years of service and has”; and

8 (B) in the first undesignated paragraph,  
 9 by striking “who has served at least ten years,”  
 10 and inserting “who has at least ten years of  
 11 service,”; and

12 (3) in subsection (d)—

13 (A) by striking “served at least fifteen  
 14 years,” and inserting “at least fifteen years of  
 15 service,”; and

16 (B) by striking “served less than fifteen  
 17 years,” and inserting “less than fifteen years of  
 18 service,”.

19 **SEC. 302. TRAVEL EXPENSES OF JUDGES.**

20 Section 456 of title 28, United States Code, is  
 21 amended by adding at the end the following new sub-  
 22 section:

23 “(h)(1) In this subsection, the term ‘travel ex-  
 24 penses’—

1           “(A) means the expenses incurred by a judge  
2           for travel that is not directly related to any case as-  
3           signed to such judge; and

4           “(B) shall not include the travel expenses of a  
5           judge if—

6                   “(i) the payment for the travel expenses is  
7                   paid by such judge from the personal funds of  
8                   such judge; and

9                   “(ii) such judge does not receive funds (in-  
10                  cluding reimbursement) from the United States  
11                  or any other person or entity for the payment  
12                  of such travel expenses.

13          “(2)(A) Each circuit judge of a court of appeals shall  
14          annually submit the information required under para-  
15          graph (3) to the chief judge for the circuit in which the  
16          judge is assigned.

17          “(B) Each district judge shall annually submit the  
18          information required under paragraph (3) to the chief  
19          judge for the district in which the judge is assigned.

20          “(3)(A) Each chief judge of each circuit and each dis-  
21          trict shall submit an annual report to the Director of the  
22          Administrative Office of the United States Courts on the  
23          travel expenses of each judge assigned to the applicable  
24          circuit or district (including the travel expenses of the  
25          chief judge of such circuit or district).

1       “(B) The annual report under this paragraph shall  
2 include—

3           “(i) the travel expenses of each judge, with the  
4       name of the judge to whom the travel expenses  
5       apply;

6           “(ii) a description of the subject matter and  
7       purpose of the travel relating to each travel expense  
8       identified under clause (i), with the name of the  
9       judge to whom the travel applies; and

10          “(iii) the number of days of each travel de-  
11       scribed under clause (ii), with the name of the judge  
12       to whom the travel applies.

13       “(4)(A) The Director of the Administrative Office of  
14 the United States Courts shall—

15           “(i) consolidate the reports submitted under  
16       paragraph (3) into a single report; and

17           “(ii) annually submit such consolidated report  
18       to Congress.

19       “(B) The consolidated report submitted under this  
20 paragraph shall include the specific information required  
21 under paragraph (3)(B), including the name of each judge  
22 with respect to clauses (i), (ii), and (iii) of paragraph  
23 (3)(B).”.



1 **SEC. 303. TRANSFER OF COUNTY TO MIDDLE DISTRICT OF**  
2 **PENNSYLVANIA.**

3 (a) **TRANSFER.**—Section 118 of title 28, United  
4 States Code, is amended—

5 (1) in subsection (a) by striking “Philadelphia,  
6 and Schuylkill” and inserting “and Philadelphia”;  
7 and

8 (2) in subsection (b) by inserting “Schuylkill,”  
9 after “Potter,”.

10 (b) **EFFECTIVE DATE.**—

11 (1) **IN GENERAL.**—This section and the amend-  
12 ments made by this section shall take effect 180  
13 days after the date of the enactment of this Act.

14 (2) **PENDING CASES NOT AFFECTED.**—This sec-  
15 tion and the amendments made by this section shall  
16 not affect any action commenced before the effective  
17 date of this section and pending on such date in the  
18 United States District Court for the Eastern Dis-  
19 trict of Pennsylvania.

20 (3) **JURIES NOT AFFECTED.**—This section and  
21 the amendments made by this section shall not af-  
22 fect the composition, or preclude the service, of any  
23 grand or petit jury summoned, impaneled, or actu-  
24 ally serving on the effective date of this section.

1 **SEC. 304. PAYMENTS TO MILITARY SURVIVORS BENEFITS**  
 2 **PLAN.**

3 Section 371(e) of title 28, United States Code, is  
 4 amended by inserting after “such retired or retainer pay”  
 5 the following: “, except such pay as is deductible from the  
 6 retired or retainer pay as a result of participation in any  
 7 survivor’s benefits plan in connection with the retired  
 8 pay,”.

9 **SEC. 305. CREATION OF CERTIFYING OFFICERS IN THE JU-**  
 10 **DICIAL BRANCH.**

11 (a) APPOINTMENT OF DISBURSING AND CERTIFYING  
 12 OFFICERS.—Chapter 41 of title 28, United States Code,  
 13 is amended by adding at the end the following new section:  
 14 “§ 613. Disbursing and certifying officers

15 “(a) DISBURSING OFFICERS.—The Director may  
 16 designate in writing officers and employees of the judicial  
 17 branch of the Government, including the courts as defined  
 18 in section 610 other than the Supreme Court, to be dis-  
 19 bursing officers in such numbers and locations as the Di-  
 20 rector considers necessary. Such disbursing officers  
 21 shall—

22 “(1) disburse moneys appropriated to the judi-  
 23 cial branch and other funds only in strict accordance  
 24 with payment requests certified by the Director or in  
 25 accordance with subsection (b);

1           “(2) examine payment requests as necessary to  
2           ascertain whether they are in proper form, certified,  
3           and approved; and

4           “(3) be held accountable for their actions as  
5           provided by law, except that such a disbursing offi-  
6           cer shall not be held accountable or responsible for  
7           any illegal, improper, or incorrect payment resulting  
8           from any false, inaccurate, or misleading certificate  
9           for which a certifying officer is responsible under  
10          subsection (b).

11          “(b) CERTIFYING OFFICERS.—(1) The Director may  
12          designate in writing officers and employees of the judicial  
13          branch of the Government, including the courts as defined  
14          in section 610 other than the Supreme Court, to certify  
15          payment requests payable from appropriations and funds.  
16          Such certifying officers shall be responsible and account-  
17          able for—

18               “(A) the existence and correctness of the facts  
19               recited in the certificate or other request for pay-  
20               ment or its supporting papers;

21               “(B) the legality of the proposed payment  
22               under the appropriation or fund involved; and

23               “(C) the correctness of the computations of cer-  
24               tified payment requests.

1       “(2) The liability of a certifying officer shall be en-  
 2 forced in the same manner and to the same extent as pro-  
 3 vided by law with respect to the enforcement of the liabil-  
 4 ity of disbursing and other accountable officers. A certify-  
 5 ing officer shall be required to make restitution to the  
 6 United States for the amount of any illegal, improper, or  
 7 incorrect payment resulting from any false, inaccurate, or  
 8 misleading certificates made by the certifying officer, as  
 9 well as for any payment prohibited by law or which did  
 10 not represent a legal obligation under the appropriation  
 11 or fund involved.

12       “(c) RIGHTS.—A certifying or disbursing officer—

13               “(1) has the right to apply for and obtain a de-  
 14 cision by the Comptroller General on any question of  
 15 law involved in a payment request presented for cer-  
 16 tification; and

17               “(2) is entitled to relief from liability arising  
 18 under this section in accordance with title 31.

19       “(d) OTHER AUTHORITY NOT AFFECTED.—Nothing  
 20 in this section affects the authority of the courts with re-  
 21 spect to moneys deposited with the courts under chapter  
 22 129 of this title.”.

23       (b) CONFORMING AMENDMENT.—The table of sec-  
 24 tions for chapter 41 of title 28, United States Code, is  
 25 amended by adding at the end the following item:

“613. Disbursing and certifying officers.”.

1 (c) RULE OF CONSTRUCTION.—The amendment  
 2 made by subsection (a) shall not be construed to authorize  
 3 the hiring of any Federal officer or employee.

4 (d) DUTIES OF DIRECTOR.—Paragraph (8) of sub-  
 5 section (a) of section 604 of title 28, United States Code,  
 6 is amended to read as follows:

7 “(8) Disburse appropriations and other funds  
 8 for the maintenance and operation of the courts;”.

9 **SEC. 306. AUTHORITY TO PRESCRIBE FEES FOR TECH-**  
 10 **NOLOGY RESOURCES IN THE COURTS.**

11 (a) IN GENERAL.—Chapter 41 of title 28, United  
 12 States Code, is amended by adding at the end the follow-  
 13 ing:

14 **“§ 614. Authority to prescribe fees for technology re-**  
 15 **sources in the courts**

16 “The Judicial Conference is authorized to prescribe  
 17 reasonable fees pursuant to sections 1913, 1914, 1926,  
 18 1930, and 1932, for collection by the courts for use of  
 19 information technology resources provided by the judiciary  
 20 for remote access to the courthouse by litigants and the  
 21 public, and to facilitate the electronic presentation of  
 22 cases. Fees under this section may be collected only to  
 23 cover the costs of making such information technology re-  
 24 sources available for the purposes set forth in this section.  
 25 Such fees shall not be required of persons financially un-

1 able to pay them. All fees collected under this section shall  
 2 be deposited in the Judiciary Information Technology  
 3 Fund and be available to the Director without fiscal year  
 4 limitation to be expended on information technology re-  
 5 sources developed or acquired to advance the purposes set  
 6 forth in this section.”.

7 (b) CONFORMING AMENDMENT.—The table of sec-  
 8 tions for chapter 41 of title 28, United States Code, is  
 9 amended by adding at the end the following new item:

“614. Authority to prescribe fees for technology resources in the courts.”.

10 (c) TECHNICAL AMENDMENT.—Chapter 123 of title  
 11 28, United States Code, is amended—

12 (1) by redesignating the section 1932 entitled  
 13 “Revocation of earned release credit” as section  
 14 1933 and placing it after the section 1932 entitled  
 15 “Judicial Panel on Multidistrict Litigation”; and

16 (2) in the table of sections by striking the 2  
 17 items relating to section 1932 and inserting the fol-  
 18 lowing:

“1932. Judicial Panel on Multidistrict Litigation.

“1933. Revocation of earned release credit.”.

1       **TITLE IV—FEDERAL PUBLIC**  
2                   **DEFENDERS**

3   **SEC. 401. TORT CLAIMS ACT AMENDMENT RELATING TO LI-**  
4                   **ABILITY OF FEDERAL PUBLIC DEFENDERS.**

5       Section 2671 of title 28, United States Code, is  
6   amended in the second undesignated paragraph—

7               (1) by inserting “(1)” after “includes”; and

8               (2) by striking the period at the end and insert-  
9   ing the following: “, and (2) any officer or employee  
10   of a Federal public defender organization, except  
11   when such officer or employee performs professional  
12   services in the course of providing representation  
13   under section 3006A of title 18.”.

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