

106TH CONGRESS
2D SESSION

S. 2915

AN ACT

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 2000”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 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. Disposition of miscellaneous fees.

Sec. 103. Transfer of retirement funds.

Sec. 104. Increase in chapter 9 bankruptcy filing fee.

Sec. 105. Increase in fee for converting a chapter 7 or chapter 13 bankruptcy case to a chapter 11 bankruptcy case.

Sec. 106. Bankruptcy 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.

Sec. 210. Maximum amounts of compensation for attorneys.

Sec. 211. Reimbursement of expenses in defense of certain malpractice actions.

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS,
AND PROTECTIONS

Sec. 301. Judicial administrative officials retirement matters.

Sec. 302. Applicability of leave provisions to employees of the Sentencing Commission.

Sec. 303. Payments to military survivors benefits plan.

Sec. 304. Creation of certifying officers in the judicial branch.

Sec. 305. Amendment to the jury selection process.

Sec. 306. Authorization of a circuit executive for the Federal circuit.

Sec. 307. Residence of retired judges.

Sec. 308. Recall of judges on disability status.

Sec. 309. Personnel application and insurance programs relating to judges of the Court of Federal Claims.

Sec. 310. Lump-sum payment for accumulated and accrued leave on separation.

Sec. 311. Employment of personal assistants for handicapped employees.

Sec. 312. Mandatory retirement age for Director of the Federal Judicial Center.

Sec. 313. Reauthorization of certain Supreme Court Police authority.

TITLE IV—FEDERAL PUBLIC DEFENDERS

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

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Extensions relating to bankruptcy administrator program.

Sec. 502. Additional place of holding court in the district of Oregon.

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 subsections (g) through (k) as subsections (f)
11 through (j), respectively;

12 (3) in subsection (g), as so redesignated, by
13 striking paragraph (3); and

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

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

17 (B) by striking “subparagraph (c)(1)(B)”
18 and inserting “subsection (c)(1)(B)”; and

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

1 **SEC. 102. DISPOSITION OF MISCELLANEOUS FEES.**

2 For fiscal year 2001 and each fiscal year thereafter,
 3 any portion of miscellaneous fees collected as prescribed
 4 by the Judicial Conference of the United States under sec-
 5 tions 1913, 1914(b), 1926(a), 1930(b), and 1932 of title
 6 28, United States Code, exceeding the amount of such fees
 7 in effect on September 30, 2000, shall be deposited into
 8 the special fund of the Treasury established under section
 9 1931 of title 28, United States Code.

10 **SEC. 103. TRANSFER OF RETIREMENT FUNDS.**

11 Section 377 of title 28, United States Code, is
 12 amended by adding at the end the following:

13 “(p) TRANSFER OF RETIREMENT FUNDS.—Upon
 14 election by a bankruptcy judge or a magistrate judge
 15 under subsection (f) of this section, all of the accrued em-
 16 ployer contributions and accrued interest on those con-
 17 tributions made on behalf of the bankruptcy judge or mag-
 18 istrate judge to the Civil Service Retirement and Disability
 19 Fund under section 8348 of title 5 shall be transferred
 20 to the fund established under section 1931 of this title,
 21 except that if the bankruptcy judge or magistrate judge
 22 elects under section 2(c) of the Retirement and Survivor’s
 23 Annuities for Bankruptcy Judges and Magistrates Act of
 24 1988 (Public Law 100–659), to receive a retirement annu-
 25 ity under both this section and title 5, only the accrued
 26 employer contributions and accrued interest on such con-

1 tributions, made on behalf of the bankruptcy judge or
 2 magistrate judge for service credited under this section,
 3 may be transferred.”.

4 **SEC. 104. INCREASE IN CHAPTER 9 BANKRUPTCY FILING**
 5 **FEE.**

6 Section 1930(a)(2) of title 28, United States Code,
 7 is amended by striking “\$300” and inserting “equal to
 8 the fee specified in paragraph (3) for filing a case under
 9 chapter 11 of title 11. The amount by which the fee pay-
 10 able under this paragraph exceeds \$300 shall be deposited
 11 in the fund established under section 1931 of this title”.

12 **SEC. 105. INCREASE IN FEE FOR CONVERTING A CHAPTER**
 13 **7 OR CHAPTER 13 BANKRUPTCY CASE TO A**
 14 **CHAPTER 11 BANKRUPTCY CASE.**

15 The flush paragraph at the end of section 1930(a)
 16 of title 28, United States Code, is amended by striking
 17 “\$400” and inserting “the amount equal to the difference
 18 between the fee specified in paragraph (3) and the fee
 19 specified in paragraph (1)”.

20 **SEC. 106. BANKRUPTCY FEES.**

21 Section 1930(a) of title 28, United States Code, is
 22 amended by adding at the end the following:

23 “(7) In districts that are not part of a United
 24 States trustee region as defined in section 581 of
 25 this title, the Judicial Conference of the United

1 States may require the debtor in a case under chap-
 2 ter 11 of title 11 to pay fees equal to those imposed
 3 by paragraph (6) of this subsection. Such fees shall
 4 be deposited as offsetting receipts to the fund estab-
 5 lished under section 1931 of this title and shall re-
 6 main available until expended.”.

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 the appoint-
 16 ment of such magistrate judge the power to exercise
 17 contempt authority 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 the authority of such magistrate judge con-
 22 stituting misbehavior of any person in the mag-
 23 istrate judge’s presence so as to obstruct the admin-
 24 istration of justice. The order of contempt shall be

1 issued under the Federal Rules of Criminal Proce-
2 dure.

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

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

1 authority of a magistrate judge to order sanctions
2 under any other statute, the Federal Rules of Civil
3 Procedure, or the Federal Rules of Criminal Proce-
4 dure.

5 “(5) CRIMINAL CONTEMPT PENALTIES.—The
6 sentence imposed by a magistrate judge for any
7 criminal contempt provided for in paragraphs (2)
8 and (3) shall not exceed the penalties for a Class C
9 misdemeanor as set forth in sections 3581(b)(8) and
10 3571(b)(6) of title 18.

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

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

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

1 “(i) the act committed in the mag-
2 istrate judge’s presence may, in the opin-
3 ion of the magistrate judge, constitute a
4 serious criminal contempt punishable by
5 penalties exceeding those set forth in para-
6 graph (5) of this subsection;

7 “(ii) the act that constitutes a crimi-
8 nal contempt occurs outside the presence
9 of the magistrate judge; or

10 “(iii) the act constitutes a civil con-
11 tempt,

12 the magistrate judge shall forthwith certify the facts
13 to a district judge and may serve or cause to be
14 served, upon any person whose behavior is brought
15 into question under this paragraph, an order requir-
16 ing such person to appear before a district judge
17 upon a day certain to show cause why that person
18 should not be adjudged in contempt by reason of the
19 facts so certified. The district judge shall thereupon
20 hear the evidence as to the act or conduct com-
21 plained of and, if it is such as to warrant punish-
22 ment, punish such person in the same manner and
23 to the same extent as for a contempt committed be-
24 fore a district judge.

1 “(7) APPEALS OF MAGISTRATE JUDGE CON-
 2 TEMPT ORDERS.—The appeal of an order of con-
 3 tempt under this subsection shall be made to the
 4 court of appeals in cases proceeding under sub-
 5 section (c) of this section. The appeal of any other
 6 order of contempt issued under this section shall be
 7 made to the district court.”.

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

12 (a) AMENDMENTS TO TITLE 18.—

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

18 (2) CASES INVOLVING JUVENILES.—Section
 19 3401(g) of title 18, United States Code, is
 20 amended—

21 (A) by striking the first sentence and in-
 22 serting the following: “The magistrate judge
 23 may, in a petty offense case involving a juve-
 24 nile, exercise all powers granted to the district
 25 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
 9 372(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 enactment of this Act.

16 **SEC. 210. MAXIMUM AMOUNTS OF COMPENSATION FOR AT-**
17 **TORNEYS.**

18 Section 3006A(d)(2) of title 18, United States Code,
19 is amended—

20 (1) in the first sentence—

21 (A) by striking “\$3,500” and inserting
22 “\$5,200”; and

23 (B) by striking “\$1,000” and inserting
24 “\$1,500”;

25 (2) in the second sentence by striking “\$2,500”
26 and inserting “\$3,700”;

1 (3) in the third sentence—

2 (A) by striking “\$750” and inserting
3 “\$1,200”; and

4 (B) by striking “\$2,500” and inserting
5 “\$3,900”;

6 (4) by inserting after the second sentence the
7 following: “For representation of a petitioner in a
8 non-capital habeas corpus proceeding, the compensa-
9 tion for each attorney shall not exceed the amount
10 applicable to a felony in this paragraph for represen-
11 tation of a defendant before a judicial officer of the
12 district court. For representation of such petitioner
13 in an appellate court, the compensation for each at-
14 torney shall not exceed the amount applicable for
15 representation of a defendant in an appellate
16 court.”; and

17 (5) in the last sentence by striking “\$750” and
18 inserting “\$1,200”.

19 **SEC. 211. REIMBURSEMENT OF EXPENSES IN DEFENSE OF**
20 **CERTAIN MALPRACTICE ACTIONS.**

21 Section 3006A(d)(1) of title 18, United States Code,
22 is amended by striking the last sentence and inserting
23 “Attorneys may be reimbursed for expenses reasonably in-
24 curred, including the costs of transcripts authorized by the
25 United States magistrate or the court, and the costs of

1 defending actions alleging malpractice of counsel in fur-
 2 nishing representational services under this section. No re-
 3 imbursement for expenses in defending against mal-
 4 practice claims shall be made if a judgment of malpractice
 5 is rendered against the counsel furnishing representational
 6 services under this section. The United States magistrate
 7 or the court shall make determinations relating to reim-
 8 bursement of expenses under this paragraph.”.

9 **TITLE III—JUDICIAL PER-**
 10 **SONNEL ADMINISTRATION,**
 11 **BENEFITS, AND PROTEC-**
 12 **TIONS**

13 **SEC. 301. JUDICIAL ADMINISTRATIVE OFFICIALS RETIRE-**
 14 **MENT MATTERS.**

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

17 (1) in subsection (d), by inserting “a congres-
 18 sional employee in the capacity of primary adminis-
 19 trative assistant to a Member of Congress or in the
 20 capacity of staff director or chief counsel for the ma-
 21 jority or the minority of a committee or sub-
 22 committee of the Senate or House of Representa-
 23 tives,” after “Congress,”;

24 (2) in subsection (b)—

1 (A) by striking “who has served at least
2 fifteen years and” and inserting “who has at
3 least fifteen years of service and has”; and

4 (B) in the first undesignated paragraph,
5 by striking “who has served at least ten years,”
6 and inserting “who has at least ten years of
7 service,”; and

8 (3) in subsection (c)—

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

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

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

18 (1) in subsection (e), by inserting “a congres-
19 sional employee in the capacity of primary adminis-
20 trative assistant to a Member of Congress or in the
21 capacity of staff director or chief counsel for the ma-
22 jority or the minority of a committee or sub-
23 committee of the Senate or House of Representa-
24 tives,” after “Congress,”;

25 (2) in subsection (c)—

1 (A) by striking “who has served at least
 2 fifteen years and” and inserting “who has at
 3 least fifteen years of service and has”; and

4 (B) in the first undesignated paragraph,
 5 by striking “who has served at least ten years,”
 6 and inserting “who has at least ten years of
 7 service,”; and

8 (3) in subsection (d)—

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

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

15 **SEC. 302. APPLICABILITY OF LEAVE PROVISIONS TO EM-**
 16 **PLOYEES OF THE SENTENCING COMMISSION.**

17 (a) IN GENERAL.—Section 996(b) of title 28, United
 18 States Code, is amended by striking all after “title 5,”
 19 and inserting “except the following: chapters 45 (Incentive
 20 Awards), 63 (Leave), 81 (Compensation for Work Inju-
 21 ries), 83 (Retirement), 85 (Unemployment Compensa-
 22 tion), 87 (Life Insurance), and 89 (Health Insurance),
 23 and subchapter VI of chapter 55 (Payment for accumu-
 24 lated and accrued leave).”.

1 (b) SAVINGS PROVISION.—Any leave that an indi-
 2 vidual accrued or accumulated (or that otherwise became
 3 available to such individual) under the leave system of the
 4 United States Sentencing Commission and that remains
 5 unused as of the date of the enactment of this Act shall,
 6 on and after such date, be treated as leave accrued or ac-
 7 cumulated (or that otherwise became available to such in-
 8 dividual) under chapter 63 of title 5, United States Code.

9 **SEC. 303. PAYMENTS TO MILITARY SURVIVORS BENEFITS**
 10 **PLAN.**

11 Section 371(e) of title 28, United States Code, is
 12 amended by inserting after “such retired or retainer pay”
 13 the following: “, except such pay as is deductible from the
 14 retired or retainer pay as a result of participation in any
 15 survivor’s benefits plan in connection with the retired
 16 pay,”.

17 **SEC. 304. CREATION OF CERTIFYING OFFICERS IN THE JU-**
 18 **DICIAL BRANCH.**

19 (a) APPOINTMENT OF DISBURSING AND CERTIFYING
 20 OFFICERS.—Chapter 41 of title 28, United States Code,
 21 is amended by adding at the end the following:

22 **“§ 613. Disbursing and certifying officers**

23 “(a) DISBURSING OFFICERS.—The Director may
 24 designate in writing officers and employees of the judicial
 25 branch of the Government, including the courts as defined

1 in section 610 other than the Supreme Court, to be dis-
2 bursing officers in such numbers and locations as the Di-
3 rector considers necessary. Such disbursing officers
4 shall—

5 “(1) disburse moneys appropriated to the judi-
6 cial branch and other funds only in strict accordance
7 with payment requests certified by the Director or in
8 accordance with subsection (b);

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

12 “(3) be held accountable for their actions as
13 provided by law, except that such a disbursing offi-
14 cer shall not be held accountable or responsible for
15 any illegal, improper, or incorrect payment resulting
16 from any false, inaccurate, or misleading certificate
17 for which a certifying officer is responsible under
18 subsection (b).

19 “(b) CERTIFYING OFFICERS.—

20 “(1) IN GENERAL.—The Director may des-
21 ignate in writing officers and employees of the judi-
22 cial branch of the Government, including the courts
23 as defined in section 610 other than the Supreme
24 Court, to certify payment requests payable from ap-

1 appropriations and funds. Such certifying officers shall
2 be responsible and accountable for—

3 “(A) the existence and correctness of the
4 facts recited in the certificate or other request
5 for payment or its supporting papers;

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

8 “(C) the correctness of the computations
9 of certified payment requests.

10 “(2) LIABILITY.—The liability of a certifying
11 officer shall be enforced in the same manner and to
12 the same extent as provided by law with respect to
13 the enforcement of the liability of disbursing and
14 other accountable officers. A certifying officer shall
15 be required to make restitution to the United States
16 for the amount of any illegal, improper, or incorrect
17 payment resulting from any false, inaccurate, or
18 misleading certificates made by the certifying officer,
19 as well as for any payment prohibited by law or
20 which did not represent a legal obligation under the
21 appropriation or fund involved.

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

23 “(1) has the right to apply for and obtain a de-
24 cision by the Comptroller General on any question of

1 law involved in a payment request presented for cer-
 2 tification; and

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

5 “(d) OTHER AUTHORITY NOT AFFECTED.—Nothing
 6 in this section affects the authority of the courts with re-
 7 spect to moneys deposited with the courts under chapter
 8 129 of this title.”.

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

“613. Disbursing and certifying officers.”.

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

15 (d) DUTIES OF DIRECTOR.—Section 604(a)(8) of
 16 title 28, United States Code, is amended to read as fol-
 17 lows:

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

20 **SEC. 305. AMENDMENT TO THE JURY SELECTION PROCESS.**

21 Section 1865 of title 28, United States Code, is
 22 amended—

23 (1) in subsection (a) by inserting “or the clerk
 24 under supervision of the court if the court’s jury se-

1 lection plan so authorizes,” after “jury commis-
2 sion,”; and

3 (2) in subsection (b) by inserting “or the clerk
4 if the court’s jury selection plan so provides,” after
5 “may provide,”.

6 **SEC. 306. AUTHORIZATION OF A CIRCUIT EXECUTIVE FOR**
7 **THE FEDERAL CIRCUIT.**

8 Section 332 of title 28, United States Code, is
9 amended by adding at the end the following:

10 “(h)(1) The United States Court of Appeals for the
11 Federal Circuit may appoint a circuit executive, who shall
12 serve at the pleasure of the court. In appointing a circuit
13 executive, the court shall take into account experience in
14 administrative and executive positions, familiarity with
15 court procedures, and special training. The circuit execu-
16 tive shall exercise such administrative powers and perform
17 such duties as may be delegated by the court. The duties
18 delegated to the circuit executive may include the duties
19 specified in subsection (e) of this section, insofar as such
20 duties are applicable to the Court of Appeals for the Fed-
21 eral Circuit.

22 “(2) The circuit executive shall be paid the salary for
23 circuit executives established under subsection (f) of this
24 section.

1 “(3) The circuit executive may appoint, with the ap-
 2 proval of the court, necessary employees in such number
 3 as may be approved by the Director of the Administrative
 4 Office of the United States Courts.

5 “(4) The circuit executive and staff shall be deemed
 6 to be officers and employees of the United States within
 7 the meaning of the statutes specified in subsection (f)(4).

8 “(5) The court may appoint either a circuit executive
 9 under this subsection or a clerk under section 711 of this
 10 title, but not both, or may appoint a combined circuit execu-
 11 tive/clerk who shall be paid the salary of a circuit execu-
 12 tive.”.

13 **SEC. 307. RESIDENCE OF RETIRED JUDGES.**

14 Section 175 of title 28, United States Code, is
 15 amended by adding at the end the following:

16 “(c) Retired judges of the Court of Federal Claims
 17 are not subject to restrictions as to residence. The place
 18 where a retired judge maintains the actual abode in which
 19 such judge customarily lives shall be deemed to be the
 20 judge’s official duty station for the purposes of section 456
 21 of this title.”.

22 **SEC. 308. RECALL OF JUDGES ON DISABILITY STATUS.**

23 Section 797(a) of title 28, United States Code, is
 24 amended—

25 (1) by inserting “(1)” after “(a)”; and

1 (2) by adding at the end the following:

2 “(2) Any judge of the Court of Federal Claims receiv-
3 ing an annuity under section 178(c) of this title (per-
4 taining to disability) who, in the estimation of the chief
5 judge, has recovered sufficiently to render judicial service,
6 shall be known and designated as a senior judge and may
7 perform duties as a judge when recalled under subsection
8 (b) of this section.”.

9 **SEC. 309. PERSONNEL APPLICATION AND INSURANCE PRO-**
10 **GRAMS RELATING TO JUDGES OF THE COURT**
11 **OF FEDERAL CLAIMS.**

12 (a) IN GENERAL.—Chapter 7 of title 28, United
13 States Code, is amended by inserting after section 178 the
14 following:

15 **“§ 179. Personnel application and insurance pro-**
16 **grams**

17 “(a) For purposes of construing and applying title
18 5, a judge of the United States Court of Federal Claims
19 shall be deemed to be an ‘officer’ under section 2104(a)
20 of such title.

21 “(b) For purposes of construing and applying chapter
22 89 of title 5, a judge of the United States Court of Federal
23 Claims who—

24 “(1) is retired under section 178 of this title;
25 and

“(2) was enrolled in a health benefits plan under chapter 89 of title 5 at the time the judge became a retired judge, shall be deemed to be an annuitant meeting the requirements of section 8905(b)(1) of title 5, notwithstanding the length of enrollment prior to the date of retirement.

7 “(c) For purposes of construing and applying chapter
8 87 of title 5, including any adjustment of insurance rates
9 by regulation or otherwise, a judge of the United States
10 Court of Federal Claims in regular active service or who
11 is retired under section 178 of this title shall be deemed
12 to be a judge of the United States described under section
13 8701(a)(5) of title 5.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

The table of sections for chapter 7 of title 28, United States Code, is amended by striking the item relating to section 179 and inserting the following:

“179. Personnel application and insurance programs.”.

18 SEC. 310. LUMP-SUM PAYMENT FOR ACCUMULATED AND
19 ACCRUED LEAVE ON SEPARATION.

Section 5551(a) of title 5, United States Code, is amended in the first sentence by striking “or elects” and inserting “, is transferred to a position described under section 6301(2)(xiii) of this title, or elects”.

1 **SEC. 311. EMPLOYMENT OF PERSONAL ASSISTANTS FOR**
 2 **HANDICAPPED EMPLOYEES.**

3 Section 3102(a)(1) of title 5, United States Code, is
 4 amended—

5 (1) in subparagraph (A) by striking “and”;

6 (2) in subparagraph (B) by adding “and” after
 7 the semicolon; and

8 (3) by adding at the end the following:

9 “(C) an office, agency, or other establish-
 10 ment in the judicial branch;”.

11 **SEC. 312. MANDATORY RETIREMENT AGE FOR DIRECTOR**
 12 **OF THE FEDERAL JUDICIAL CENTER.**

13 (a) IN GENERAL.—Section 627 of title 28, United
 14 States Code, is amended—

15 (1) by striking subsection (a); and

16 (2) by redesignating subsections (b) through (f)
 17 as subsections (a) through (e), respectively.

18 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
 19 Section 376 of title 28, United States Code, is amended—

20 (1) in paragraph (1)(D) by striking “subsection
 21 (b)” and inserting “subsection (a)”; and

22 (2) in paragraph (2)(D) by striking “subsection
 23 (c) or (d)” and inserting “subsection (b) or (c)”.

1 **SEC. 313. REAUTHORIZATION OF CERTAIN SUPREME**
2 **COURT POLICE AUTHORITY.**

3 Section 9(c) of the Act entitled “An Act relating to
4 the policing of the building and grounds of the Supreme
5 Court of the United States”, approved August 18, 1949
6 (40 U.S.C. 13n(c)) is amended in the first sentence by
7 striking “2000” and inserting “2004”.

8 **TITLE IV—FEDERAL PUBLIC**
9 **DEFENDERS**

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

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

- 14 (1) by inserting “(1)” after “includes”; and
15 (2) by striking the period at the end and insert-
16 ing the following: “, and (2) any officer or employee
17 of a Federal public defender organization, except
18 when such officer or employee performs professional
19 services in the course of providing representation
20 under section 3006A of title 18.”.

1 **TITLE V—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 501. EXTENSIONS RELATING TO BANKRUPTCY ADMIN-**
4 **ISTRATOR PROGRAM.**

5 Section 302(d)(3) of the Bankruptcy Judges, United
6 States Trustees, and Family Farmer Bankruptcy Act of
7 1986 (28 U.S.C. 581 note) is amended—

8 (1) in subparagraph (A), in the matter fol-
9 lowing clause (ii), by striking “or October 1, 2002,
10 whichever occurs first”; and

11 (2) in subparagraph (F)—

12 (A) in clause (i)—

13 (i) in subclause (II), by striking “or
14 October 1, 2002, whichever occurs first”;
15 and

16 (ii) in the matter following subclause
17 (II), by striking “October 1, 2003, or”;
18 and

19 (B) in clause (ii), in the matter following
20 subclause (II)—

21 (i) by striking “before October 1,
22 2003, or”; and

23 (ii) by striking “, whichever occurs
24 first”.

1 **SEC. 502. ADDITIONAL PLACE OF HOLDING COURT IN THE**
2 **DISTRICT OF OREGON.**

3 Section 117 of title 28, United States Code, is
4 amended by striking “Eugene” and inserting “Eugene or
5 Springfield”.

Passed the Senate October 19 (legislative day, September 22), 2000.

Attest:

Secretary.

106TH CONGRESS
2D SESSION

S. 2915

AN ACT

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

S 2915 ES—2

S 2915 ES—3

S 2915 ES—4

S 2915 ES—5