

106TH CONGRESS
2D SESSION

S. 2915

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

IN THE SENATE OF THE UNITED STATES

JULY 25, 2000

Mr. GRASSLEY (for himself and Mr. TORRICELLI) 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 AND TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Federal Courts Improvement Act of 2000”.

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. Disposition of miscellaneous fees.

Sec. 103. Reimbursement of judiciary for civil and criminal forfeiture expenses.

- Sec. 104. Transfer of retirement funds.
- Sec. 105. Increase in chapter 9 bankruptcy filing fee.
- Sec. 106. Increase in fee for converting a chapter 7 or chapter 13 bankruptcy case to a chapter 11 bankruptcy case.
- Sec. 107. 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. Authority to prescribe fees for technology resources in the courts.
- Sec. 306. Amendment to the jury selection process.
- Sec. 307. Authorization of a circuit executive for the Federal circuit.
- Sec. 308. Residence of retired judges.
- Sec. 309. Recall of judges on disability status.
- Sec. 310. Personnel application and insurance programs relating to judges of the Court of Federal Claims.
- Sec. 311. Lump-sum payment for accumulated and accrued leave on separation.
- Sec. 312. Employment of personal assistants for handicapped employees.
- Sec. 313. Mandatory retirement age for director of the Federal judicial center.

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 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)”.

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

22 For fiscal year 2001 and each fiscal year thereafter,
 23 any portion of miscellaneous fees collected as prescribed
 24 by the Judicial Conference of the United States under sec-
 25 tions 1913, 1914(b), 1926(a), 1930(b), and 1932 of title

1 28, United States Code, exceeding the amount of such fees
 2 in effect on September 30, 2000, shall be deposited into
 3 the special fund of the Treasury established under section
 4 1931 of title 28, United States Code.

5 **SEC. 103. REIMBURSEMENT OF JUDICIARY FOR CIVIL AND**
 6 **CRIMINAL FORFEITURE EXPENSES.**

7 (a) TRANSFER OF FUNDS.—Section 524(c) of title
 8 28, United States Code, is amended—

9 (1) by inserting after paragraph (11) the fol-
 10 lowing:

11 “(12)(A) In the fiscal year subsequent to the
 12 fiscal year in which this paragraph is enacted, and
 13 in each fiscal year thereafter, an amount as specified
 14 in subparagraph (B) shall be transferred annually to
 15 the judiciary into the fund established under section
 16 1931 of this title, for expenses incurred in—

17 “(i) adjudication of civil and criminal for-
 18 feiture proceedings that result in deposits into
 19 the Fund (except the expense of salaries of
 20 judges);

21 “(ii) representation, under the provisions
 22 of section 3006A of title 18 or section 408(q)
 23 of the Controlled Substances Act (21 U.S.C.
 24 848(q)) of defendants whose assets have been
 25 seized in such forfeiture proceedings, to the ex-

1 tent that such expenses of representation could
2 have been recovered through an order for pay-
3 ment or for reimbursement of the defender
4 services appropriation under section 3006A(f)
5 of title 18; and

6 “(iii) supervision by United States proba-
7 tion officers of offenders under home detention
8 or other forms of confinement outside of Bu-
9 reau of Prison facilities.

10 “(B) The amount to be transferred under sub-
11 paragraph (A)—

12 “(i) shall be an amount from the combined
13 fiscal year deposits into both the Fund and the
14 Department of Treasury Asset Forfeiture Fund
15 established by section 9703 of title 31 (here-
16 after referred to as ‘both Funds’), which
17 amount shall not exceed the statement of costs
18 incurred by the judiciary in providing the serv-
19 ices identified in subparagraph (A), as set forth
20 by the Director of the Administrative Office of
21 the United States Courts in a report to the At-
22 torney General and the Secretary of the Treas-
23 ury no later than 90 days after the end of the
24 fiscal year in which the expenses were incurred;
25 except that—

1 “(I) the total amount to be trans-
 2 ferred from both Funds shall not exceed
 3 \$50,000,000, or 10 percent of the total
 4 combined deposits into both Funds, which-
 5 ever is less;

6 “(II) the proportion of the amount
 7 transferred from the Fund to the total
 8 amount to be transferred shall be equal to
 9 the proportion of the fiscal year deposits
 10 into the Fund to the combined fiscal year
 11 deposits in both Funds; and

12 “(III) the total amount to be trans-
 13 ferred from both Funds may exceed the
 14 limits set out in this subparagraph subject
 15 to the discretion of the Attorney General
 16 and the Secretary of the Treasury; and

17 “(ii) shall be paid from revenues deposited
 18 into the Fund during the fiscal year in which
 19 the expenses were incurred and are not required
 20 to be specified in appropriations Acts.”.

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

23 (1) by redesignating subsection (p) as sub-
 24 section (q); and

1 (2) by inserting after subsection (o) the fol-
 2 lowing:

3 “(p) TRANSFER TO THE FEDERAL JUDICIARY.—In
 4 the fiscal year subsequent to the fiscal year in which this
 5 subsection is enacted, and in each fiscal year thereafter,
 6 an amount necessary to meet the transfer requirements
 7 of section 524(c)(12) of title 28 shall be transferred to
 8 the judiciary, and shall be subject to the same limitations,
 9 terms, and conditions specified in that section for trans-
 10 fers to the judiciary from the Department of Justice Asset
 11 Forfeiture Fund.”.

12 (c) CONFORMING AMENDMENT.—Section 1931(a) of
 13 title 28, United States Code, is amended by inserting “or
 14 other judicial services, including services provided under
 15 section 3006A of title 18 or section 408(q) of the Con-
 16 trolled Substances Act (21 U.S.C. 848(q))” after “courts
 17 of the United States”.

18 **SEC. 104. TRANSFER OF RETIREMENT FUNDS.**

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

21 “(p) TRANSFER OF RETIREMENT FUNDS.—Upon
 22 election by a bankruptcy judge or a magistrate judge
 23 under subsection (f) of this section, all of the accrued em-
 24 ployer contributions and accrued interest on those con-
 25 tributions made on behalf of the bankruptcy judge or mag-

1 istrate judge to the Civil Service Retirement and Disability
 2 Fund under section 8348 of title 5 shall be transferred
 3 to the fund established under section 1931 of this title,
 4 except that if the bankruptcy judge or magistrate judge
 5 elects under section 2(c) of the Retirement and Survivor's
 6 Annuities for Bankruptcy Judges and Magistrates Act of
 7 1988 (Public Law 100–659), to receive a retirement annu-
 8 ity under both this section and title 5, only the accrued
 9 employer contributions and accrued interest on such con-
 10 tributions, made on behalf of the bankruptcy judge or
 11 magistrate judge for service credited under this section,
 12 may be transferred.”.

13 **SEC. 105. INCREASE IN CHAPTER 9 BANKRUPTCY FILING**
 14 **FEE.**

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

21 **SEC. 106. INCREASE IN FEE FOR CONVERTING A CHAPTER**
 22 **7 OR CHAPTER 13 BANKRUPTCY CASE TO A**
 23 **CHAPTER 11 BANKRUPTCY CASE.**

24 The flush paragraph at the end of section 1930(a)
 25 of title 28, United States Code, is amended by striking

1 “\$400” and inserting “the amount equal to the difference
 2 between the fee specified in paragraph (3) and the fee
 3 specified in paragraph (1)”.

4 **SEC. 107. BANKRUPTCY FEES.**

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

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

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

18 **SEC. 201. EXTENSION OF STATUTORY AUTHORITY FOR**
 19 **MAGISTRATE JUDGE POSITIONS TO BE ES-**
 20 **TABLISHED IN THE DISTRICT COURTS OF**
 21 **GUAM AND THE NORTHERN MARIANA IS-**
 22 **LANDS.**

23 Section 631 of title 28, United States Code, is
 24 amended—

1 (1) by striking the first two sentences of sub-
 2 section (a) and inserting the following: “The judges
 3 of each United States district court and the district
 4 courts of the Virgin Islands, Guam, and the North-
 5 ern Mariana Islands shall appoint United States
 6 magistrate judges in such numbers and to serve at
 7 such locations within the judicial districts as the Ju-
 8 dicial Conference may determine under this chapter.
 9 In the case of a magistrate judge appointed by the
 10 district court of the Virgin Islands, Guam, or the
 11 Northern Mariana Islands, this chapter shall apply
 12 as though the court appointing such a magistrate
 13 judge were a United States district court.”; and

14 (2) by inserting in the first sentence of para-
 15 graph (1) of subsection (b) after “Commonwealth of
 16 Puerto Rico,” the following: “the Territory of Guam,
 17 the Commonwealth of the Northern Mariana Is-
 18 lands,”.

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

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

22 “(e) CONTEMPT AUTHORITY.—

23 “(1) IN GENERAL.—A United States magistrate
 24 judge serving under this chapter shall have within
 25 the territorial jurisdiction prescribed by the appoint-

1 ment of such magistrate judge the power to exercise
2 contempt authority as set forth in this subsection.

3 “(2) SUMMARY CRIMINAL CONTEMPT AUTHOR-
4 ITY.—A magistrate judge shall have the power to
5 punish summarily by fine or imprisonment such con-
6 tempt of the authority of such magistrate judge con-
7 stituting misbehavior of any person in the mag-
8 istrate judge’s presence so as to obstruct the admin-
9 istration of justice. The order of contempt shall be
10 issued under the Federal Rules of Criminal Proce-
11 dure.

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

1 “(4) CIVIL CONTEMPT AUTHORITY IN CIVIL
 2 CONSENT AND MISDEMEANOR CASES.—In any case
 3 in which a United States magistrate judge presides
 4 with the consent of the parties under subsection (c)
 5 of this section, and in any misdemeanor case pro-
 6 ceeding before a magistrate judge under section
 7 3401 of title 18, the magistrate judge may exercise
 8 the civil contempt authority of the district court.
 9 This paragraph shall not be construed to limit the
 10 authority of a magistrate judge to order sanctions
 11 under any other statute, the Federal Rules of Civil
 12 Procedure, or the Federal Rules of Criminal Proce-
 13 dure.

14 “(5) CRIMINAL CONTEMPT PENALTIES.—The
 15 sentence imposed by a magistrate judge for any
 16 criminal contempt provided for in paragraphs (2)
 17 and (3) shall not exceed the penalties for a Class C
 18 misdemeanor as set forth in sections 3581(b)(8) and
 19 3571(b)(6) of title 18.

20 “(6) CERTIFICATION OF OTHER CONTEMPTS TO
 21 THE DISTRICT COURT.—Upon the commission of any
 22 such act—

23 “(A) in any case in which a United States
 24 magistrate judge presides with the consent of
 25 the parties under subsection (c) of this section,

1 or in any misdemeanor case proceeding before
2 a magistrate judge under section 3401 of title
3 18, that may, in the opinion of the magistrate
4 judge, constitute a serious criminal contempt
5 punishable by penalties exceeding those set
6 forth in paragraph (5) of this subsection; or

7 “(B) in any other case or proceeding under
8 subsection (a) or (b) of this section, or any
9 other statute, where—

10 “(i) the act committed in the mag-
11 istrate judge’s presence may, in the opin-
12 ion of the magistrate judge, constitute a
13 serious criminal contempt punishable by
14 penalties exceeding those set forth in para-
15 graph (5) of this subsection;

16 “(ii) the act that constitutes a crimi-
17 nal contempt occurs outside the presence
18 of the magistrate judge; or

19 “(iii) the act constitutes a civil con-
20 tempt,

21 the magistrate judge shall forthwith certify the facts
22 to a district judge and may serve or cause to be
23 served, upon any person whose behavior is brought
24 into question under this paragraph, an order requir-
25 ing such person to appear before a district judge

1 upon a day certain to show cause why that person
 2 should not be adjudged in contempt by reason of the
 3 facts so certified. The district judge shall thereupon
 4 hear the evidence as to the act or conduct com-
 5 plained of and, if it is such as to warrant punish-
 6 ment, punish such person in the same manner and
 7 to the same extent as for a contempt committed be-
 8 fore a district judge.

9 “(7) APPEALS OF MAGISTRATE JUDGE CON-
 10 TEMPT ORDERS.—The appeal of an order of con-
 11 tempt under this subsection shall be made to the
 12 court of appeals in cases proceeding under sub-
 13 section (c) of this section. The appeal of any other
 14 order of contempt issued under this section shall be
 15 made to the district court.”.

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

20 (a) AMENDMENTS TO TITLE 18.—

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

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

4 (A) by striking the first sentence and in-
 5 serting the following: “The magistrate judge
 6 may, in a petty offense case involving a juve-
 7 nile, exercise all powers granted to the district
 8 court under chapter 403 of this title.”;

9 (B) in the second sentence by striking
 10 “any other class B or C misdemeanor case”
 11 and inserting “the case of any misdemeanor,
 12 other than a petty offense,”; and

13 (C) by striking the last sentence.

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

17 “(4) the power to enter a sentence for a petty
 18 offense; and

19 “(5) the power to enter a sentence for a class
 20 A misdemeanor in a case in which the parties have
 21 consented.”.

1 **SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIRE-**
2 **MENTS.**

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

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

7 Section 332(a) of title 28, United States Code, is
8 amended—

9 (1) by striking paragraph (3) and inserting the
10 following:

11 “(3) Except for the chief judge of the circuit, either
12 judges in regular active service or judges retired from reg-
13 ular active service under section 371(b) of this title may
14 serve as members of the council. Service as a member of
15 a judicial council by a judge retired from regular active
16 service under section 371(b) may not be considered for
17 meeting the requirements of section 371(f)(1) (A), (B),
18 or (C).”; and

19 (2) in paragraph (5) by striking “retirement,”
20 and inserting “retirement under section 371(a) or
21 372(a) of this title.”.

22 **SEC. 206. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY**
23 **REDUCTION PLANS.**

24 Section 103(b)(2)(A) of the Civil Justice Reform Act
25 of 1990 (Public Law 101–650; 104 Stat. 5096; 28 U.S.C.

1 471 note), as amended by Public Law 105–53 (111 Stat.
 2 1173), is amended by inserting “471,” after “sections”.

3 **SEC. 207. REPEAL OF COURT OF FEDERAL CLAIMS FILING**
 4 **FEE.**

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

8 **SEC. 208. TECHNICAL BANKRUPTCY CORRECTION.**

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

12 **SEC. 209. TECHNICAL AMENDMENT RELATING TO THE**
 13 **TREATMENT OF CERTAIN BANKRUPTCY FEES**
 14 **COLLECTED.**

15 (a) AMENDMENT.—The first sentence of section
 16 406(b) of the Departments of Commerce, Justice, and
 17 State, the Judiciary, and Related Agencies Appropriations
 18 Act, 1990 (Public Law 101–162; 103 Stat. 1016; 28
 19 U.S.C. 1931 note) is amended by striking “service enu-
 20 merated after item 18” and inserting “service not of a
 21 kind described in any of the items enumerated as items
 22 1 through 7 and as items 9 through 18, as in effect on
 23 November 21, 1989,”.

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

4 **SEC. 210. MAXIMUM AMOUNTS OF COMPENSATION FOR AT-**
 5 **TORNEYS.**

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

8 (1) in the first sentence—

9 (A) by striking “\$3,500” and inserting
 10 “\$5,200”; and

11 (B) by striking “\$1,000” and inserting
 12 “\$1,500”;

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

15 (3) in the third sentence—

16 (A) by striking “\$750” and inserting
 17 “\$1,200”; and

18 (B) by striking “\$2,500” and inserting
 19 “\$3,900”;

20 (4) by inserting after the second sentence the
 21 following: “For representation of a petitioner in a
 22 non-capital habeas corpus proceeding, the compensa-
 23 tion for each attorney shall not exceed the amount
 24 applicable to a felony in this paragraph for represen-
 25 tation of a defendant before a judicial officer of the

1 district court. For representation of such petitioner
2 in an appellate court, the compensation for each at-
3 torney shall not exceed the amount applicable for
4 representation of a defendant in an appellate
5 court.”; and

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

8 **SEC. 211. REIMBURSEMENT OF EXPENSES IN DEFENSE OF**
9 **CERTAIN MALPRACTICE ACTIONS.**

10 Section 3006A(d)(1) of title 18, United States Code,
11 is amended by striking the last sentence and inserting
12 “Attorneys may be reimbursed for expenses reasonably in-
13 curred, including the costs of transcripts authorized by the
14 United States magistrate or the court, and the costs of
15 defending actions alleging malpractice of counsel in fur-
16 nishing representational services under this section. No re-
17 imbursement for expenses in defending against mal-
18 practice claims shall be made if a judgment of malpractice
19 is rendered against the counsel furnishing representational
20 services under this section. The United States magistrate
21 or the court shall make determinations relating to reim-
22 bursement of expenses under this paragraph.”.

1 **TITLE III—JUDICIAL PER-**
 2 **SONNEL ADMINISTRATION,**
 3 **BENEFITS, AND PROTEC-**
 4 **TIONS**

5 **SEC. 301. JUDICIAL ADMINISTRATIVE OFFICIALS RETIRE-**
 6 **MENT MATTERS.**

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

9 (1) in subsection (d), by inserting “a congres-
 10 sional employee in the capacity of primary adminis-
 11 trative assistant to a Member of Congress or in the
 12 capacity of staff director or chief counsel for the ma-
 13 jority or the minority of a committee or sub-
 14 committee of the Senate or House of Representa-
 15 tives,” after “Congress,”;

16 (2) in subsection (b)—

17 (A) by striking “who has served at least
 18 fifteen years and” and inserting “who has at
 19 least fifteen years of service and has”; and

20 (B) in the first undesignated paragraph,
 21 by striking “who has served at least ten years,”
 22 and inserting “who has at least ten years of
 23 service,”; and

24 (3) in subsection (c)—

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

4 (B) by striking “served less than fifteen
5 years,” and inserting “less than fifteen years of
6 service,”.

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

10 (1) in subsection (e), by inserting “a congres-
11 sional employee in the capacity of primary adminis-
12 trative assistant to a Member of Congress or in the
13 capacity of staff director or chief counsel for the ma-
14 jority or the minority of a committee or sub-
15 committee of the Senate or House of Representa-
16 tives,” after “Congress,”;

17 (2) in subsection (c)—

18 (A) by striking “who has served at least
19 fifteen years and” and inserting “who has at
20 least fifteen years of service and has”; and

21 (B) in the first undesignated paragraph,
22 by striking “who has served at least ten years,”
23 and inserting “who has at least ten years of
24 service,”; and

25 (3) in subsection (d)—

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

4 (B) by striking “served less than fifteen
 5 years,” and inserting “less than fifteen years of
 6 service,”.

7 **SEC. 302. APPLICABILITY OF LEAVE PROVISIONS TO EM-**
 8 **PLOYEES OF THE SENTENCING COMMISSION.**

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

17 (b) SAVINGS PROVISION.—Any leave that an indi-
 18 vidual accrued or accumulated (or that otherwise became
 19 available to such individual) under the leave system of the
 20 United States Sentencing Commission and that remains
 21 unused as of the date of the enactment of this Act shall,
 22 on and after such date, be treated as leave accrued or ac-
 23 cumulated (or that otherwise became available to such in-
 24 dividual) under chapter 63 of title 5, United States Code.

1 **SEC. 303. 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. 304. 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:

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.—

12 “(1) IN GENERAL.—The Director may des-
13 ignate in writing officers and employees of the judi-
14 cial branch of the Government, including the courts
15 as defined in section 610 other than the Supreme
16 Court, to certify payment requests payable from ap-
17 propriations and funds. Such certifying officers shall
18 be responsible and accountable for—

19 “(A) the existence and correctness of the
20 facts recited in the certificate or other request
21 for payment or its supporting papers;

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

24 “(C) the correctness of the computations
25 of certified payment requests.

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

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

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

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

20 “(d) OTHER AUTHORITY NOT AFFECTED.—Nothing
21 in this section affects the authority of the courts with re-
22 spect to moneys deposited with the courts under chapter
23 129 of this title.”.

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

“613. Disbursing and certifying officers.”.

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

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

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

12 **SEC. 305. AUTHORITY TO PRESCRIBE FEES FOR TECH-**
 13 **NOLOGY RESOURCES IN THE COURTS.**

14 (a) IN GENERAL.—Chapter 41 of title 28, United
 15 States Code, (as amended by this Act) is amended by add-
 16 ing at the end the following:

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

19 “The Judicial Conference is authorized to prescribe
 20 reasonable fees under sections 1913, 1914, 1926, 1930,
 21 and 1932, for collection by the courts for use of informa-
 22 tion technology resources provided by the judiciary for re-
 23 mote access to the courthouse by litigants and the public,
 24 and to facilitate the electronic presentation of cases. Fees
 25 under this section may be collected only to cover the costs

1 of making such information technology resources available
 2 for the purposes set forth in this section. Such fees shall
 3 not be required of persons financially unable to pay them.
 4 All fees collected under this section shall be deposited in
 5 the Judiciary Information Technology Fund and be avail-
 6 able to the Director without fiscal year limitation to be
 7 expended on information technology resources developed
 8 or acquired to advance the purposes set forth in this sec-
 9 tion.”.

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

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

13 (c) TECHNICAL AMENDMENT.—Chapter 123 of title
 14 28, United States Code, is amended—

15 (1) by redesignating the section 1932 entitled
 16 “Revocation of earned release credit” as section
 17 1933 and placing it after the section 1932 entitled
 18 “Judicial Panel on Multidistrict Litigation”; and

19 (2) in the table of sections by striking the 2
 20 items relating to section 1932 and inserting the fol-
 21 lowing:

“1932. Judicial Panel on Multidistrict Litigation.

“1933. Revocation of earned release credit.”.

1 **SEC. 306. AMENDMENT TO THE JURY SELECTION PROCESS.**

2 Section 1865 of title 28, United States Code, is
3 amended—

4 (1) in subsection (a) by inserting “or the clerk
5 under supervision of the court if the court’s jury se-
6 lection plan so authorizes,” after “jury commis-
7 sion,”; and

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

11 **SEC. 307. AUTHORIZATION OF A CIRCUIT EXECUTIVE FOR**
12 **THE FEDERAL CIRCUIT.**

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

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

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

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

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

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

16 **SEC. 308. RESIDENCE OF RETIRED JUDGES.**

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

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

1 **SEC. 309. RECALL OF JUDGES ON DISABILITY STATUS.**

2 Section 797(a) of title 28, United States Code, is
3 amended—

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

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

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

13 **SEC. 310. PERSONNEL APPLICATION AND INSURANCE PRO-**
14 **GRAMS RELATING TO JUDGES OF THE COURT**
15 **OF FEDERAL CLAIMS.**

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

19 **“§ 179. Personnel application and insurance pro-**
20 **grams**

21 “(a) For purposes of construing and applying title
22 5, a judge of the United States Court of Federal Claims
23 shall be deemed to be an ‘officer’ under section 2104(a)
24 of such title.

1 “(b) For purposes of construing and applying chapter
 2 89 of title 5, a judge of the United States Court of Federal
 3 Claims who—

4 “(1) is retired under section 178(a) or (b) of
 5 this title and performs recall service under section
 6 178(d) of this title; and

7 “(2) was enrolled in a health benefits plan
 8 under chapter 89 of title 5 at the time the judge be-
 9 came a retired judge,
 10 shall be deemed to be an annuitant meeting the require-
 11 ments of section 8905(b)(1) of title 5, notwithstanding the
 12 length of enrollment prior to the date of retirement.

13 “(c) For purposes of construing and applying chapter
 14 87 of title 5, including any adjustment of insurance rates
 15 by regulation or otherwise, a judge of the United States
 16 Court of Federal Claims in regular active service or who
 17 is retired under section 178 of this title shall be deemed
 18 to be a judge of the United States described under section
 19 8701(a)(5) of title 5.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 21 The table of sections for chapter 7 of title 28, United
 22 States Code, is amended by striking the item relating to
 23 section 179 and inserting the following:

“179. Personnel application and insurance programs.”.

1 **SEC. 311. LUMP-SUM PAYMENT FOR ACCUMULATED AND**
 2 **ACCRUED LEAVE ON SEPARATION.**

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

7 **SEC. 312. EMPLOYMENT OF PERSONAL ASSISTANTS FOR**
 8 **HANDICAPPED EMPLOYEES.**

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

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

12 (2) in subparagraph (B) by adding “and” after
 13 the semicolon; and

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

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

17 **SEC. 313. MANDATORY RETIREMENT AGE FOR DIRECTOR**
 18 **OF THE FEDERAL JUDICIAL CENTER.**

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

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

22 (2) by redesignating subsections (b) through (f)
 23 as subsections (a) through (e), respectively.

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

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

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

5 **TITLE IV—FEDERAL PUBLIC** 6 **DEFENDERS**

7 **SEC. 401. TORT CLAIMS ACT AMENDMENT RELATING TO LI-** 8 **ABILITY OF FEDERAL PUBLIC DEFENDERS.**

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

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

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

○