

## Calendar No. 860

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

SEPTEMBER 28 (legislative day, SEPTEMBER 22), 2000

Reported by Mr. HATCH with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

---

**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(e) 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) by striking the first two sentences of subsection (a) and inserting the following: “The judges of each United States district court and the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands shall appoint United States magistrate judges in such numbers and to serve at such locations within the judicial districts as the Judicial Conference may determine under this chapter. In the case of a magistrate judge appointed by the district court of the Virgin Islands, Guam, or the Northern Mariana Islands, this chapter shall apply as though the court appointing such a magistrate judge were a United States district court.”; and

(2) by inserting in the first sentence of paragraph (1) of subsection (b) after “Commonwealth of Puerto Rico,” the following: “the Territory of Guam, the Commonwealth of the Northern Mariana Islands.”.

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

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

“(e) CONTEMPT AUTHORITY.—

“(1) IN GENERAL.—A United States magistrate judge serving under this chapter shall have within 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 (c), 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 exec-  
14 utive/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       “(e) 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(e) 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           (e) 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.”.

### 18          **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

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

21           (b) *TABLE OF CONTENTS.*—*The table of contents of this*  
22          *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. 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.*

## *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) through*  
 11            *(j), respectively;*

12            *(3) in subsection (g), as so redesignated, by strik-*  
 13            *ing 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 by*  
 24     *the Judicial Conference of the United States under sections*  
 25     *1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28,*

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

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

6 *Section 377 of title 28, United States Code, is amended*  
 7 *by adding at the end the following:*

8 *“(p) TRANSFER OF RETIREMENT FUNDS.—Upon elec-*  
 9 *tion by a bankruptcy judge or a magistrate judge under*  
 10 *subsection (f) of this section, all of the accrued employer*  
 11 *contributions and accrued interest on those contributions*  
 12 *made on behalf of the bankruptcy judge or magistrate judge*  
 13 *to the Civil Service Retirement and Disability Fund under*  
 14 *section 8348 of title 5 shall be transferred to the fund estab-*  
 15 *lished under section 1931 of this title, except that if the*  
 16 *bankruptcy judge or magistrate judge elects under section*  
 17 *2(c) of the Retirement and Survivor’s Annuities for Bank-*  
 18 *ruptcy Judges and Magistrates Act of 1988 (Public Law*  
 19 *100–659), to receive a retirement annuity under both this*  
 20 *section and title 5, only the accrued employer contributions*  
 21 *and accrued interest on such contributions, made on behalf*  
 22 *of the bankruptcy judge or magistrate judge for service cred-*  
 23 *ited under this section, may be transferred.”.*

1 **SEC. 104. INCREASE IN CHAPTER 9 BANKRUPTCY FILING**  
 2 **FEE.**

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

9 **SEC. 105. INCREASE IN FEE FOR CONVERTING A CHAPTER**  
 10 **7 OR CHAPTER 13 BANKRUPTCY CASE TO A**  
 11 **CHAPTER 11 BANKRUPTCY CASE.**

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

17 **SEC. 106. BANKRUPTCY FEES.**

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

20 *“(7) In districts that are not part of a United*  
 21 *States trustee region as defined in section 581 of this*  
 22 *title, the Judicial Conference of the United States*  
 23 *may require the debtor in a case under chapter 11 of*  
 24 *title 11 to pay fees equal to those imposed by para-*  
 25 *graph (6) of this subsection. Such fees shall be depos-*  
 26 *ited as offsetting receipts to the fund established under*

1        *section 1931 of this title and shall remain available*  
 2        *until expended.”.*

3        ***TITLE II—JUDICIAL PROCESS***  
 4        ***IMPROVEMENTS***

5        ***SEC. 201. EXTENSION OF STATUTORY AUTHORITY FOR MAG-***  
 6        ***ISTRATE JUDGE POSITIONS TO BE ESTAB-***  
 7        ***LISHED IN THE DISTRICT COURTS OF GUAM***  
 8        ***AND THE NORTHERN MARIANA ISLANDS.***

9        *Section 631 of title 28, United States Code, is*  
 10       *amended—*

11                *(1) by striking the first two sentences of sub-*  
 12        *section (a) and inserting the following: “The judges of*  
 13        *each United States district court and the district*  
 14        *courts of the Virgin Islands, Guam, and the Northern*  
 15        *Mariana Islands shall appoint United States mag-*  
 16        *istrate judges in such numbers and to serve at such*  
 17        *locations within the judicial districts as the Judicial*  
 18        *Conference may determine under this chapter. In the*  
 19        *case of a magistrate judge appointed by the district*  
 20        *court of the Virgin Islands, Guam, or the Northern*  
 21        *Mariana Islands, this chapter shall apply as though*  
 22        *the court appointing such a magistrate judge were a*  
 23        *United States district court.”; and*

24                *(2) by inserting in the first sentence of para-*  
 25        *graph (1) of subsection (b) after “Commonwealth of*

1       *Puerto Rico,” the following: “the Territory of Guam,*  
 2       *the Commonwealth of the Northern Mariana Is-*  
 3       *lands,”.*

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

5       *Section 636(e) of title 28, United States Code, is*  
 6       *amended to read as follows:*

7       “(e) CONTEMPT AUTHORITY.—

8               “(1) *IN GENERAL.*—A United States magistrate  
 9       *judge serving under this chapter shall have within the*  
 10       *territorial jurisdiction prescribed by the appointment*  
 11       *of such magistrate judge the power to exercise con-*  
 12       *tempt authority as set forth in this subsection.*

13               “(2) *SUMMARY CRIMINAL CONTEMPT AUTHOR-*  
 14       *ITY.*—A magistrate judge shall have the power to  
 15       *punish summarily by fine or imprisonment such con-*  
 16       *tempt of the authority of such magistrate judge con-*  
 17       *stituting misbehavior of any person in the magistrate*  
 18       *judge’s presence so as to obstruct the administration*  
 19       *of justice. The order of contempt shall be issued under*  
 20       *the Federal Rules of Criminal Procedure.*

21               “(3) *ADDITIONAL CRIMINAL CONTEMPT AUTHOR-*  
 22       *ITY IN CIVIL CONSENT AND MISDEMEANOR CASES.*—In  
 23       *any case in which a United States magistrate judge*  
 24       *presides with the consent of the parties under sub-*  
 25       *section (c) of this section, and in any misdemeanor*

1     *case proceeding before a magistrate judge under sec-*  
 2     *tion 3401 of title 18, the magistrate judge shall have*  
 3     *the power to punish, by fine or imprisonment, crimi-*  
 4     *nal contempt constituting disobedience or resistance*  
 5     *to the magistrate judge’s lawful writ, process, order,*  
 6     *rule, decree, or command. Disposition of such con-*  
 7     *tempt shall be conducted upon notice and hearing*  
 8     *under the Federal Rules of Criminal Procedure.*

9             “(4) *CIVIL CONTEMPT AUTHORITY IN CIVIL CON-*  
 10     *SENT AND MISDEMEANOR CASES.—In any case in*  
 11     *which a United States magistrate judge presides with*  
 12     *the consent of the parties under subsection (c) of this*  
 13     *section, and in any misdemeanor case proceeding be-*  
 14     *fore a magistrate judge under section 3401 of title 18,*  
 15     *the magistrate judge may exercise the civil contempt*  
 16     *authority of the district court. This paragraph shall*  
 17     *not be construed to limit the authority of a mag-*  
 18     *istrate judge to order sanctions under any other stat-*  
 19     *ute, the Federal Rules of Civil Procedure, or the Fed-*  
 20     *eral Rules of Criminal Procedure.*

21             “(5) *CRIMINAL CONTEMPT PENALTIES.—The sen-*  
 22     *tence imposed by a magistrate judge for any criminal*  
 23     *contempt provided for in paragraphs (2) and (3)*  
 24     *shall not exceed the penalties for a Class C mis-*



1        *demeanor as set forth in sections 3581(b)(8) and*  
2        *3571(b)(6) of title 18.*

3                “(6) *CERTIFICATION OF OTHER CONTEMPTS TO*  
4        *THE DISTRICT COURT.—Upon the commission of any*  
5        *such act—*

6                “(A) *in any case in which a United States*  
7        *magistrate judge presides with the consent of the*  
8        *parties under subsection (c) of this section, or in*  
9        *any misdemeanor case proceeding before a mag-*  
10       *istrate judge under section 3401 of title 18, that*  
11       *may, in the opinion of the magistrate judge, con-*  
12       *stitute a serious criminal contempt punishable*  
13       *by penalties exceeding those set forth in para-*  
14       *graph (5) of this subsection; or*

15               “(B) *in any other case or proceeding under*  
16       *subsection (a) or (b) of this section, or any other*  
17       *statute, where—*

18               “(i) *the act committed in the mag-*  
19       *istrate judge’s presence may, in the opinion*  
20       *of the magistrate judge, constitute a serious*  
21       *criminal contempt punishable by penalties*  
22       *exceeding those set forth in paragraph (5) of*  
23       *this subsection;*

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

4                   “(iii) the act constitutes a civil con-  
5                   tempt,

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

18                  “(7) APPEALS OF MAGISTRATE JUDGE CONTEMPT  
19                  ORDERS.—The appeal of an order of contempt under  
20                  this subsection shall be made to the court of appeals  
21                  in cases proceeding under subsection (c) of this sec-  
22                  tion. The appeal of any other order of contempt  
23                  issued under this section shall be made to the district  
24                  court.”.

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

5 (a) *AMENDMENTS TO TITLE 18.*—

6 (1) *PETTY OFFENSE CASES.*—Section 3401(b) of  
 7 title 18, United States Code, is amended by striking  
 8 “that is a class B misdemeanor charging a motor ve-  
 9 hicle offense, a class C misdemeanor, or an infrac-  
 10 tion,” after “petty offense”.

11 (2) *CASES INVOLVING JUVENILES.*—Section  
 12 3401(g) of title 18, United States Code, is amended—

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

18 (B) in the second sentence by striking “any  
 19 other class B or C misdemeanor case” and in-  
 20 serting “the case of any misdemeanor, other than  
 21 a petty offense,”; and

22 (C) by striking the last sentence.

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

1           “(4) the power to enter a sentence for a petty of-  
2       fense; and

3           “(5) the power to enter a sentence for a class A  
4       misdemeanor in a case in which the parties have con-  
5       sented.”.

6       **SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIRE-**  
7                               **MENTS.**

8       Section 604 of title 28, United States Code, is amended  
9       in subsection (a) by striking the second paragraph des-  
10      ignated (24).

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

12      Section 332(a) of title 28, United States Code, is  
13      amended—

14           (1) by striking paragraph (3) and inserting the  
15      following:

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

1           (2) in paragraph (5) by striking “retirement,”  
 2           and inserting “retirement under section 371(a) or  
 3           372(a) of this title,”.

4   **SEC. 206. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY**  
 5           **REDUCTION PLANS.**

6           Section 103(b)(2)(A) of the Civil Justice Reform Act  
 7   of 1990 (Public Law 101–650; 104 Stat. 5096; 28 U.S.C.  
 8   471 note), as amended by Public Law 105–53 (111 Stat.  
 9   1173), is amended by inserting “471,” after “sections”.

10   **SEC. 207. REPEAL OF COURT OF FEDERAL CLAIMS FILING**  
 11           **FEE.**

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

15   **SEC. 208. TECHNICAL BANKRUPTCY CORRECTION.**

16           Section 1228 of title 11, United States Code, is amend-  
 17   ed by striking “1222(b)(10)” each place it appears and in-  
 18   serting “1222(b)(9)”.

19   **SEC. 209. TECHNICAL AMENDMENT RELATING TO THE**  
 20           **TREATMENT OF CERTAIN BANKRUPTCY FEES**  
 21           **COLLECTED.**

22           (a) *AMENDMENT.*—The first sentence of section 406(b)  
 23   of the Departments of Commerce, Justice, and State, the  
 24   Judiciary, and Related Agencies Appropriations Act, 1990  
 25   (Public Law 101–162; 103 Stat. 1016; 28 U.S.C. 1931 note)

1 *is amended by striking “service enumerated after item 18”*  
 2 *and inserting “service not of a kind described in any of*  
 3 *the items enumerated as items 1 through 7 and as items*  
 4 *9 through 18, as in effect on November 21, 1989,”.*

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

8 **SEC. 210. MAXIMUM AMOUNTS OF COMPENSATION FOR AT-**  
 9 **TORNEYS.**

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

12 (1) *in the first sentence—*

13 (A) *by striking “\$3,500” and inserting*  
 14 *“\$5,200”; and*

15 (B) *by striking “\$1,000” and inserting*  
 16 *“\$1,500”;*

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

19 (3) *in the third sentence—*

20 (A) *by striking “\$750” and inserting*  
 21 *“\$1,200”; and*

22 (B) *by striking “\$2,500” and inserting*  
 23 *“\$3,900”;*

24 (4) *by inserting after the second sentence the fol-*  
 25 *lowing: “For representation of a petitioner in a non-*

1       *capital habeas corpus proceeding, the compensation*  
 2       *for each attorney shall not exceed the amount applica-*  
 3       *ble to a felony in this paragraph for representation*  
 4       *of a defendant before a judicial officer of the district*  
 5       *court. For representation of such petitioner in an ap-*  
 6       *pellate court, the compensation for each attorney shall*  
 7       *not exceed the amount applicable for representation of*  
 8       *a defendant in an appellate court.”; and*

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

11   **SEC. 211. REIMBURSEMENT OF EXPENSES IN DEFENSE OF**  
 12               **CERTAIN MALPRACTICE ACTIONS.**

13       *Section 3006A(d)(1) of title 18, United States Code,*  
 14       *is amended by striking the last sentence and inserting “At-*  
 15       *torneys may be reimbursed for expenses reasonably in-*  
 16       *curred, including the costs of transcripts authorized by the*  
 17       *United States magistrate or the court, and the costs of de-*  
 18       *fending actions alleging malpractice of counsel in fur-*  
 19       *nishing representational services under this section. No re-*  
 20       *imbursement for expenses in defending against malpractice*  
 21       *claims shall be made if a judgment of malpractice is ren-*  
 22       *dered against the counsel furnishing representational serv-*  
 23       *ices under this section. The United States magistrate or the*  
 24       *court shall make determinations relating to reimbursement*  
 25       *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.*—Section  
 8 611 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 subcommittee  
 14 of the Senate or House of Representatives,” after  
 15 “Congress,”;

16 (2) in subsection (b)—

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

20 (B) in the first undesignated paragraph, by  
 21 striking “who has served at least ten years,” and  
 22 inserting “who has at least ten years of service,”;  
 23 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 CENTER.*—  
8           Section 627 of title 28, United States Code, is amended—

9           (1) in subsection (e), 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 subcommittee  
14          of the Senate or House of Representatives,” after  
15          “Congress,”;

16          (2) in subsection (c)—

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

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

24          (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,” and  
11       inserting “except the following: chapters 45 (Incentive  
12       Awards), 63 (Leave), 81 (Compensation for Work Injuries),  
13       83 (Retirement), 85 (Unemployment Compensation), 87  
14       (Life Insurance), and 89 (Health Insurance), and sub-  
15       chapter VI of chapter 55 (Payment for accumulated and  
16       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 accu-  
23       mulated (or that otherwise became available to such indi-  
24       vidual) 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, is*  
 13 *amended by adding at the end the following:*

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

15 *“(a) DISBURSING OFFICERS.—The Director may des-*  
 16 *ignate 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 Direc-*  
 20 *tor considers necessary. Such disbursing officers shall—*

21 *“(1) disburse moneys appropriated to the judi-*  
 22 *cial branch and other funds only in strict accordance*  
 23 *with payment requests certified by the Director or in*  
 24 *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 pro-  
5           vided by law, except that such a disbursing officer  
6           shall not be held accountable or responsible for any il-  
7           legal, improper, or incorrect payment resulting from  
8           any false, inaccurate, or misleading certificate for  
9           which a certifying officer is responsible under sub-  
10          section (b).

11          “(b) CERTIFYING OFFICERS.—

12           “(1) IN GENERAL.—The Director may designate  
13           in writing officers and employees of the judicial  
14           branch of the Government, including the courts as de-  
15           fined in section 610 other than the Supreme Court,  
16           to certify payment requests payable from appropria-  
17           tions and funds. Such certifying officers shall be re-  
18           sponsible and accountable for—

19           “(A) the existence and correctness of the  
20           facts recited in the certificate or other request for  
21           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 of  
25           certified payment requests.

1           “(2) *LIABILITY.*—*The liability of a certifying of-*  
 2           *ficer shall be enforced in the same manner and to the*  
 3           *same extent as provided by law with respect to the en-*  
 4           *forcement of the liability of disbursing and other ac-*  
 5           *countable officers. A certifying officer shall be re-*  
 6           *quired to make restitution to the United States for the*  
 7           *amount of any illegal, improper, or incorrect pay-*  
 8           *ment resulting from any false, inaccurate, or mis-*  
 9           *leading certificates made by the certifying officer, as*  
 10          *well as for any payment prohibited by law or which*  
 11          *did not represent a legal obligation under the appro-*  
 12          *priation or fund involved.*

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

14               “(1) *has the right to apply for and obtain a deci-*  
 15               *sion 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 in*  
 21          *this section affects the authority of the courts with respect*  
 22          *to moneys deposited with the courts under chapter 129 of*  
 23          *this title.”.*

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

“613. *Disbursing and certifying officers.*”.

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

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

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

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

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

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

18       *“The Judicial Conference is authorized to prescribe*  
 19 *reasonable fees under sections 1913, 1914, 1926, 1930, and*  
 20 *1932, for collection by the courts for use of information tech-*  
 21 *nology resources provided by the judiciary for remote access*  
 22 *to the courthouse by litigants and the public, and to facili-*  
 23 *tate the electronic presentation of cases. Fees under this sec-*  
 24 *tion may be collected only to cover the costs of making such*  
 25 *information technology resources available for the purposes*

1 *set forth in this section. Such fees shall not be required of*  
 2 *persons financially unable to pay them. All fees collected*  
 3 *under this section shall be deposited in the Judiciary Infor-*  
 4 *mation Technology Fund and be available to the Director*  
 5 *without fiscal year limitation to be expended on informa-*  
 6 *tion technology resources developed or acquired to advance*  
 7 *the purposes set forth in this section.”.*

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

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

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

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

17 (2) *in the table of sections by striking the 2 items*  
 18 *relating to section 1932 and inserting the following:*

*“1932. Judicial Panel on Multidistrict Litigation.*

*“1933. Revocation of earned release credit.”.*

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

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

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

1        *tion plan so authorizes,” after “jury commission,”;*  
 2        *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. 307. AUTHORIZATION OF A CIRCUIT EXECUTIVE FOR**  
 7                        **THE FEDERAL CIRCUIT.**

8        *Section 332 of title 28, United States Code, is amended*  
 9        *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 executive*  
 16        *shall exercise such administrative powers and perform such*  
 17        *duties as may be delegated by the court. The duties dele-*  
 18        *gated to the circuit executive may include the duties speci-*  
 19        *fied in subsection (e) of this section, insofar as such duties*  
 20        *are applicable to the Court of Appeals for the Federal Cir-*  
 21        *cuit.*

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



1       “(3) *The circuit executive may appoint, with the ap-*  
 2 *proval of the court, necessary employees in such number as*  
 3 *may be approved by the Director of the Administrative Of-*  
 4 *fice 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 the*  
 7 *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 exec-*  
 11 *utive/clerk who shall be paid the salary of a circuit execu-*  
 12 *tive.”.*

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

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

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

22 **SEC. 309. 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 (pertaining*  
 4 *to disability) who, in the estimation of the chief judge, has*  
 5 *recovered sufficiently to render judicial service, shall be*  
 6 *known and designated as a senior judge and may perform*  
 7 *duties as a judge when recalled under subsection (b) of this*  
 8 *section.”.*

9   **SEC. 310. 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 States  
 13 *Code, is amended by inserting after section 178 the fol-*  
 14 *lowing:*

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

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

1           “(2) *was enrolled in a health benefits plan under*  
 2           *chapter 89 of title 5 at the time the judge became a*  
 3           *retired judge,*  
 4           *shall be deemed to be an annuitant meeting the require-*  
 5           *ments of section 8905(b)(1) of title 5, notwithstanding the*  
 6           *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.”.*

14           (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*  
 15           *table of sections for chapter 7 of title 28, United States*  
 16           *Code, is amended by striking the item relating to section*  
 17           *179 and inserting the following:*

*“179. Personnel application and insurance programs.”.*

18           **SEC. 311. LUMP-SUM PAYMENT FOR ACCUMULATED AND AC-**  
 19           **CRUED LEAVE ON SEPARATION.**

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

1 **SEC. 312. 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. 313. MANDATORY RETIREMENT AGE FOR DIRECTOR OF**  
 12 **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)”.*

## **TITLE IV—FEDERAL PUBLIC DEFENDERS**

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

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

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

*(2) by striking the period at the end and inserting the following: “, and (2) any officer or employee of a Federal public defender organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18.”.*

## **TITLE V—MISCELLANEOUS PROVISIONS**

### **SEC. 501. EXTENSIONS RELATING TO BANKRUPTCY ADMINISTRATOR PROGRAM.**

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

*(1) in subparagraph (A), in the matter following clause (ii), by striking “or October 1, 2002, whichever occurs first”; and*

*(2) in subparagraph (F)—*

*(A) in clause (i)—*

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

4                   (ii) in the matter following subclause  
 5                   (II), by striking “October 1, 2003, or”; and  
 6                   (B) in clause (ii), in the matter following  
 7                   subclause (II)—

8                   (i) by striking “before October 1, 2003,  
 9                   or”; and

10                  (ii) by striking “, whichever occurs  
 11                  first”.

12   **SEC. 502. ADDITIONAL PLACE OF HOLDING COURT IN THE**  
 13                   **DISTRICT OF OREGON.**

14                  Section 117 of title 28, United States Code, is amended  
 15   by striking “Eugene” and inserting “Eugene or Spring-  
 16   field”.



**Calendar No. 860**

106TH CONGRESS  
2D SESSION

**S. 2915**

---

---

**A BILL**

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

---

---

SEPTEMBER 28 (legislative day, SEPTEMBER 22), 2000

Reported with an amendment