

Calendar No. 145

108TH CONGRESS
1ST SESSION**S. 1023**

To increase the annual salaries of justices and judges of the United States.

IN THE SENATE OF THE UNITED STATES

MAY 7, 2003

Mr. HATCH (for himself, Mr. LEAHY, Mr. CORNYN, Mr. KENNEDY, Mr. ALEXANDER, Mr. CHAMBLISS, Mr. DURBIN, Ms. COLLINS, Mr. LOTT, Mrs. FEINSTEIN, Mr. MILLER, Mr. COCHRAN, Mr. BREAUX, Mr. LIEBERMAN, and Mr. CORZINE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JUNE 18, 2003

Reported by Mr. HATCH, with amendments

[Omit the part struck through and insert the part printed in *italic*]**A BILL**

To increase the annual salaries of justices and judges of
the United States.

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. JUDICIAL SALARY INCREASE.**

4 (a) *IN GENERAL*.—The annual salaries of the Chief
5 Justice of the United States, associate justices of the Su-
6 preme Court of the United States, United States circuit

1 judges, United States district judges, judges of the United
 2 States Court of International Trade, and judges of the
 3 United States Court of Federal Claims are increased in
 4 the amount of 16.5 percent of their respective existing an-
 5 nual salary rates, rounded to the nearest \$100 (or, if mid-
 6 way between multiples of \$100, to the next higher multiple
 7 of \$100).

8 **SEC. 2. COORDINATION RULE.**

9 *(b) COORDINATION RULE.*—If a pay adjustment under
 10 ~~section 1~~ *subsection (a)* is to be made for an office or posi-
 11 tion as of the same date that any other pay adjustment
 12 would take effect for such office or position, the adjust-
 13 ment under this ~~Act~~ *section* shall be made first.

14 **SEC. 3. EFFECTIVE DATE.**

15 ~~This Act shall take effect on the first day of the first~~
 16 ~~applicable pay period beginning on or after January 1,~~
 17 ~~2004.~~

18 **SEC. 2. REPEAL OF ANNUAL CONGRESSIONAL AUTHORIZA-**
 19 **TION FOR COST OF LIVING ADJUSTMENTS.**

20 *Section 140 of Public Law 97–92 (28 U.S.C. 461 note)*
 21 *is repealed.*

22 **SEC. 3. MEDIA COVERAGE OF COURTROOM PROCEEDINGS.**

23 *(a) DEFINITIONS.*—*In this section:*

24 *(1) PRESIDING JUDGE.*—*The term “presiding*
 25 *judge” means the judge presiding over the court pro-*

ceeding concerned. In proceedings in which more than 1 judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES.—The term “appellate court of the United States” means any United States circuit court of appeals and the Supreme Court of the United States.

(b) AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.—

(1) AUTHORITY OF APPELLATE COURTS.—Notwithstanding any other provision of law, the presiding judge of an appellate court of the United States may, in the discretion of that judge, permit the photographing, electronic recording, broadcasting, or

1 *televising to the public of court proceedings over*
 2 *which that judge presides.*

3 (2) *AUTHORITY OF DISTRICT COURTS.—*

4 (A) *IN GENERAL.—*Notwithstanding any
 5 *other provision of law, any presiding judge of a*
 6 *district court of the United States may, in the*
 7 *discretion of that judge, permit the*
 8 *photographing, electronic recording, broad-*
 9 *casting, or televising to the public of court pro-*
 10 *ceedings over which that judge presides.*

11 (B) *OBSCURING OF WITNESSES.—*

12 (i) *IN GENERAL.—*Upon the request of
 13 *any witness in a trial proceeding other than*
 14 *a party, the court shall order the face and*
 15 *voice of the witness to be disguised or other-*
 16 *wise obscured in such manner as to render*
 17 *the witness unrecognizable to the broadcast*
 18 *audience of the trial proceeding.*

19 (ii) *NOTIFICATION TO WITNESSES.—*

20 *The presiding judge in a trial proceeding*
 21 *shall inform each witness who is not a*
 22 *party that the witness has the right to re-*
 23 *quest that the image and voice of that wit-*
 24 *ness be obscured during the witness' testi-*
 25 *mony.*

1 (3) *ADVISORY GUIDELINES.*—*The Judicial Con-*
2 *ference of the United States may promulgate advisory*
3 *guidelines to which a presiding judge, in the discre-*
4 *tion of that judge, may refer in making decisions with*
5 *respect to the management and administration of*
6 *photographing, recording, broadcasting, or televising*
7 *described under paragraphs (1) and (2).*

8 (c) *SUNSET.*—*The authority under subsection (b)(2)*
9 *shall terminate 3 years after the date of the enactment of*
10 *this Act.*

11 **SEC. 4. EFFECTIVE DATE.**

12 (a) *PAY ADJUSTMENTS.*—*Section 1 shall take effect on*
13 *the first day of the first applicable pay period beginning*
14 *on or after January 1, 2004.*

15 (b) *REPEAL AND MEDIA COVERAGE.*—*Sections 2 and*
16 *3 shall take effect on the date of enactment of this Act.*

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