

revolution and the leadership of George Washington. If I am correct, Mr. Speaker, I believe the other painting that we see here in the gallery is the Marquis de Lafayette, and I think it bears an understanding of how distinguished this Frenchman was by demonstrating his leadership, his courage, and his commitment to our freedoms as a former colony of the British empire.

I think we have to have a sense of perspective too in terms of the fact that the French and the British were fighting over the colonial abilities of themselves in terms of what we were to do, and I wonder, sometimes, if maybe the French government really had a love or a greater hatred for the British than they did for the colonialists.

But I do want to honor the Marquis de Lafayette and all that my good friend, the gentleman from Virginia (Mr. GOODE) had spoken about in terms of his history and his commitment to democracy. I just wish that perhaps in these days, the Marquis de Lafayette would come and help me with the fact that the French government had conducted 200 nuclear testings in the South Pacific that has drastically affected the environment in this region of the world. I wonder that despite the fact that 60 percent of the French people were even against nuclear testing, for which President Chirac has simply broken the moratorium and given greater pain and feelings of misunderstanding of the people of the Pacific.

Yes, I do honor the Marquis de Lafayette for what he has done for our Nation, and for that I want to again thank the gentleman from Texas for giving me this opportunity to pay tribute to this gentleman, and I support the resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Let me thank the distinguished gentleman from American Samoa. I think his tribute to the Marquis de Lafayette is to be appreciated, as well as his concerns that have been expressed.

Let me say to the distinguished chairman of the Committee on the Judiciary, as I mentioned last week when we were on the floor together, let me make it very clear that I support enthusiastically this resolution, and distinguished gentleman from Virginia for putting it forward. I think it is important that as this bill deals with citizenship, just to indicate to this House as we begin to finish our work before a work recess, that there is unfinished business, and I hope that we can attend to it perspectively, without disrespect to the present legislation as I rise to support it.

I believe it is important, however, that we find a way to move 245(i) on, because we have come to this floor and we have modified the status of children waiting to access citizenship through their parents. We need to continue moving forward on family reunification and not use the tragedies of Sep-

tember 11 and the terrorism that we have experienced to deal with real immigration issues.

I would also hope that one of the groups that we have looked at and maybe looked over that we can try to address their concerns, and that is the Haitians, that we can provide legislation to address their status. Also, I believe that if we did a cultural bill similar to that done in Ireland, that it would be extremely helpful. We need peace in Haiti, one of the countries that has the greatest turmoil that is right outside of our border here in the Western Hemisphere.

So I hope that we will have the opportunity to do that as we move forward on the Homeland Security Department. I also hope that we will have an opportunity to focus on making sure that the resources of the immigration services and enforcement are all kept intact so that we do not lose sight of diminishing the role that they play in this country, the good role that they play in this country.

With that, I would ask my colleagues to support S.J. Resolution 13.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I am really sorry that the gentleman from Texas and the gentleman from American Samoa have brought extraneous issues into the debate on whether or not we should give honorary citizenship to the Marquis de Lafayette.

This is really something that is very unique. It probably came about as a result of an anomaly in our citizenship laws that have been overlooked for over 200 years, because both Virginia and Maryland, prior to the adoption of the Constitution, granted the Marquis honorary citizenship. I think many people had assumed that that grant before the Constitution was adopted would have sufficed to make sure that his honorary citizenship was valid in the newly United States of America. Unfortunately, it was not, and that is why we are here today.

One of the reasons why we have 50 stars in the upper left-hand corner of our flag rather than the union jack was because of the efforts that the Marquis made not only militarily during the Revolutionary War, but in securing the France of Louis the 16th to be on the side of the American colonists in their fight against Great Britain. Without his efforts, both on the ground on this side of the Atlantic and diplomatically in Paris, the revolution may very well have not succeeded.

So today should be the Marquis de Lafayette's day. I think that we should have an overwhelming vote in favor of this resolution.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in support of S.J. Res. 13 conferring honorary U.S. citizenship on Paul Yves Roch Gilbert du Motier.

Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette, risked his

life and financial security for the freedom of Americans. By an Act of Congress, the Marquis de Lafayette was voted to the rank of Major General, and during the Revolutionary War, General Lafayette was wounded at the Battle of Brandywine, demonstrating bravery that forever endeared him to American soldiers. General Lafayette then provided his devotion to our country further by securing the help of France in the United States' colonists' fight against Great Britain, a turning point in the war of independence.

For his unmatched dedication, General Lafayette was the first foreign dignitary to address Congress, an honor accorded to him upon his return to the United States in 1824. A portrait of our honored friend hangs in front of us today in the House Chamber—the only portrait of a non-American citizen in the Capitol. Mr. Speaker, I rise today to ask my colleagues to join me in supporting the Honorable Senator from Virginia's effort to confer honorary citizenship on a great friend of America, General Lafayette.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 13, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution, as amended, was passed.

The title of the Senate joint resolution was amended so as to read: "Joint Resolution conferring honorary citizenship of the United States posthumously on Marie Joseph Paul Yves Roche Gilbert du Motier, the Marquis de Lafayette."

A motion to reconsider was laid on the table.

□ 1445

#### JUDICIAL IMPROVEMENTS ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3892) to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3892

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Judicial Improvements Act of 2002".*

#### SEC. 2. JUDICIAL DISCIPLINE PROCEDURES.

(a) IN GENERAL.—Part 1 of title 28, United States Code, is amended by inserting after chapter 15 the following new chapter:

#### "CHAPTER 16—COMPLAINTS AGAINST JUDGES AND JUDICIAL DISCIPLINE

"Sec.

"351. Complaints; judge defined.

"352. Review of complaint by chief judge.

"353. Special committees.

"354. Action by judicial council.

“355. Action by Judicial Conference.

“356. Subpoena power.

“357. Review of orders and actions.

“358. Rules.

“359. Restrictions.

“360. Disclosure of information.

“361. Reimbursement of expenses.

“362. Other provisions and rules not affected.

“363. Court of Federal Claims, Court of International Trade, Court of Appeals for the Federal Circuit.

“364. Effect of felony conviction.

### “§351. Complaints; judge defined

“(a) FILING OF COMPLAINT BY ANY PERSON.—Any person alleging that a judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or alleging that such judge is unable to discharge all the duties of office by reason of mental or physical disability, may file with the clerk of the court of appeals for the circuit a written complaint containing a brief statement of the facts constituting such conduct.

“(b) IDENTIFYING COMPLAINT BY CHIEF JUDGE.—In the interests of the effective and expeditious administration of the business of the courts and on the basis of information available to the chief judge of the circuit, the chief judge may, by written order stating reasons therefor, identify a complaint for purposes of this chapter and thereby dispense with filing of a written complaint.

“(c) TRANSMITTAL OF COMPLAINT.—Upon receipt of a complaint filed under subsection (a), the clerk shall promptly transmit the complaint to the chief judge of the circuit, or, if the conduct complained of is that of the chief judge, to that circuit judge in regular active service next senior in date of commission (hereafter, for purposes of this chapter only, included in the term ‘chief judge’). The clerk shall simultaneously transmit a copy of the complaint to the judge whose conduct is the subject of the complaint. The clerk shall also transmit a copy of any complaint identified under subsection (b) to the judge whose conduct is the subject of the complaint.

“(d) DEFINITIONS.—In this chapter—

“(1) the term ‘judge’ means a circuit judge, district judge, bankruptcy judge, or magistrate judge; and

“(2) the term ‘complainant’ means the person filing a complaint under subsection (a) of this section.

### “§352. Review of complaint by chief judge

“(a) EXPEDITIOUS REVIEW; LIMITED INQUIRY.—The chief judge shall expeditiously review any complaint received under section 351(a) or identified under section 351(b). In determining what action to take, the chief judge may conduct a limited inquiry for the purpose of determining—

“(1) whether appropriate corrective action has been or can be taken without the necessity for a formal investigation; and

“(2) whether the facts stated in the complaint are either plainly untrue or are incapable of being established through investigation.

For this purpose, the chief judge may request the judge whose conduct is complained of to file a written response to the complaint. Such response shall not be made available to the complainant unless authorized by the judge filing the response. The chief judge or his or her designee may also communicate orally or in writing with the complainant, the judge whose conduct is complained of, and any other person who may have knowledge of the matter, and may review any transcripts or other relevant documents. The chief judge shall not undertake to make findings of fact about any matter that is reasonably in dispute.

“(b) ACTION BY CHIEF JUDGE FOLLOWING REVIEW.—After expeditiously reviewing a complaint under subsection (a), the chief judge, by written order stating his or her reasons, may—

“(1) dismiss the complaint—

“(A) if the chief judge finds the complaint to be—

“(i) not in conformity with section 351(a);

“(ii) directly related to the merits of a decision or procedural ruling; or

“(iii) frivolous, lacking sufficient evidence to raise an inference that misconduct has occurred, or containing allegations which are incapable of being established through investigation; or

“(B) when a limited inquiry conducted under subsection (a) demonstrates that the allegations in the complaint lack any factual foundation or are conclusively refuted by objective evidence; or

“(2) conclude the proceeding if the chief judge finds that appropriate corrective action has been taken or that action on the complaint is no longer necessary because of intervening events. The chief judge shall transmit copies of the written order to the complainant and to the judge whose conduct is the subject of the complaint.

“(c) REVIEW OF ORDERS OF CHIEF JUDGE.—A complainant or judge aggrieved by a final order of the chief judge under this section may petition the judicial council of the circuit for review thereof. The denial of a petition for review of the chief judge’s order shall be final and conclusive and shall not be judicially reviewable on appeal or otherwise.

“(d) REFERRAL OF PETITIONS FOR REVIEW TO PANELS OF THE JUDICIAL COUNCIL.—Each judicial council may, pursuant to rules prescribed under section 358, refer a petition for review filed under subsection (c) to a panel of no fewer than 5 members of the council, at least 2 of whom shall be district judges.

### “§353. Special committees

“(a) APPOINTMENT.—If the chief judge does not enter an order under section 352(b), the chief judge shall promptly—

“(1) appoint himself or herself and equal numbers of circuit and district judges of the circuit to a special committee to investigate the facts and allegations contained in the complaint;

“(2) certify the complaint and any other documents pertaining thereto to each member of such committee; and

“(3) provide written notice to the complainant and the judge whose conduct is the subject of the complaint of the action taken under this subsection.

“(b) CHANGE IN STATUS OR DEATH OF JUDGES.—A judge appointed to a special committee under subsection (a) may continue to serve on that committee after becoming a senior judge or, in the case of the chief judge of the circuit, after his or her term as chief judge terminates under subsection (a)(3) or (c) of section 45. If a judge appointed to a committee under subsection (a) dies, or retires from office under section 371(a), while serving on the committee, the chief judge of the circuit may appoint another circuit or district judge, as the case may be, to the committee.

“(c) INVESTIGATION BY SPECIAL COMMITTEE.—Each committee appointed under subsection (a) shall conduct an investigation as extensive as it considers necessary, and shall expeditiously file a comprehensive written report thereon with the judicial council of the circuit. Such report shall present both the findings of the investigation and the committee’s recommendations for necessary and appropriate action by the judicial council of the circuit.

### “§354. Action by judicial council

“(a) ACTIONS UPON RECEIPT OF REPORT.—

“(1) ACTIONS.—The judicial council of a circuit, upon receipt of a report filed under section 353(c)—

“(A) may conduct any additional investigation which it considers to be necessary;

“(B) may dismiss the complaint; and

“(C) if the complaint is not dismissed, shall take such action as is appropriate to assure the effective and expeditious administration of the business of the courts within the circuit.

“(2) DESCRIPTION OF POSSIBLE ACTIONS IF COMPLAINT NOT DISMISSED.—

“(A) IN GENERAL.—Action by the judicial council under paragraph (1)(C) may include—

“(i) ordering that, on a temporary basis for a time certain, no further cases be assigned to the judge whose conduct is the subject of a complaint;

“(ii) censuring or reprimanding such judge by means of private communication; and

“(iii) censuring or reprimanding such judge by means of public announcement.

“(B) FOR ARTICLE III JUDGES.—If the conduct of a judge appointed to hold office during good behavior is the subject of the complaint, action by the judicial council under paragraph (1)(C) may include—

“(i) certifying disability of the judge pursuant to the procedures and standards provided under section 372(b); and

“(ii) requesting that the judge voluntarily retire, with the provision that the length of service requirements under section 371 of this title shall not apply.

“(C) FOR MAGISTRATE JUDGES.—If the conduct of a magistrate judge is the subject of the complaint, action by the judicial council under paragraph (1)(C) may include directing the chief judge of the district of the magistrate judge to take such action as the judicial council considers appropriate.

“(3) LIMITATIONS ON JUDICIAL COUNCIL REGARDING REMOVALS.—

“(A) ARTICLE III JUDGES.—Under no circumstances may the judicial council order removal from office of any judge appointed to hold office during good behavior.

“(B) MAGISTRATE AND BANKRUPTCY JUDGES.—Any removal of a magistrate judge under this subsection shall be in accordance with section 631 and any removal of a bankruptcy judge shall be in accordance with section 152.

“(4) NOTICE OF ACTION TO JUDGE.—The judicial council shall immediately provide written notice to the complainant and to the judge whose conduct is the subject of the complaint of the action taken under this subsection.

“(b) REFERRAL TO JUDICIAL CONFERENCE.—

“(1) IN GENERAL.—In addition to the authority granted under subsection (a), the judicial council may, in its discretion, refer any complaint under section 351, together with the record of any associated proceedings and its recommendations for appropriate action, to the Judicial Conference of the United States.

“(2) SPECIAL CIRCUMSTANCES.—In any case in which the judicial council determines, on the basis of a complaint and an investigation under this chapter, or on the basis of information otherwise available to the judicial council, that a judge appointed to hold office during good behavior may have engaged in conduct—

“(A) which might constitute one or more grounds for impeachment under article II of the Constitution, or

“(B) which, in the interest of justice, is not amenable to resolution by the judicial council, the judicial council shall promptly certify such determination, together with any complaint and a record of any associated proceedings, to the Judicial Conference of the United States.

“(3) NOTICE TO COMPLAINANT AND JUDGE.—A judicial council acting under authority of this subsection shall, unless contrary to the interests of justice, immediately submit written notice to the complainant and to the judge whose conduct is the subject of the action taken under this subsection.

### “§355. Action by Judicial Conference

“(a) IN GENERAL.—Upon referral or certification of any matter under section 354(b), the Judicial Conference, after consideration of the prior proceedings and such additional investigation as it considers appropriate, shall by majority vote take such action, as described in section 354(a)(1)(C) and (2), as it considers appropriate.

“(b) IF IMPEACHMENT WARRANTED.—

“(1) IN GENERAL.—If the Judicial Conference concurs in the determination of the judicial council, or makes its own determination, that consideration of impeachment may be warranted, it shall so certify and transmit the determination and the record of proceedings to the House of Representatives for whatever action the House of Representatives considers to be necessary. Upon receipt of the determination and record of proceedings in the House of Representatives, the Clerk of the House of Representatives shall make available to the public the determination and any reasons for the determination.

“(2) IN CASE OF FELONY CONVICTION.—If a judge has been convicted of a felony under State or Federal law and has exhausted all means of obtaining direct review of the conviction, or the time for seeking further direct review of the conviction has passed and no such review has been sought, the Judicial Conference may, by majority vote and without referral or certification under section 354(b), transmit to the House of Representatives a determination that consideration of impeachment may be warranted, together with appropriate court records, for whatever action the House of Representatives considers to be necessary.

#### “§356. Subpoena power

“(a) JUDICIAL COUNCILS AND SPECIAL COMMITTEES.—In conducting any investigation under this chapter, the judicial council, or a special committee appointed under section 353, shall have full subpoena powers as provided in section 332(d).

“(b) JUDICIAL CONFERENCE AND STANDING COMMITTEES.—In conducting any investigation under this chapter, the Judicial Conference, or a standing committee appointed by the Chief Justice under section 331, shall have full subpoena powers as provided in that section.

#### “§357. Review of orders and actions

“(a) REVIEW OF ACTION OF JUDICIAL COUNCIL.—A complainant or judge aggrieved by an action of the judicial council under section 354 may petition the Judicial Conference of the United States for review thereof.

“(b) ACTION OF JUDICIAL CONFERENCE.—The Judicial Conference, or the standing committee established under section 331, may grant a petition filed by a complainant or judge under subsection (a).

“(c) NO JUDICIAL REVIEW.—Except as expressly provided in this section and section 352(c), all orders and determinations, including denials of petitions for review, shall be final and conclusive and shall not be judicially reviewable on appeal or otherwise.

#### “§358. Rules

“(a) IN GENERAL.—Each judicial council and the Judicial Conference may prescribe such rules for the conduct of proceedings under this chapter, including the processing of petitions for review, as each considers to be appropriate.

“(b) REQUIRED PROVISIONS.—Rules prescribed under subsection (a) shall contain provisions requiring that—

“(1) adequate prior notice of any investigation be given in writing to the judge whose conduct is the subject of a complaint under this chapter;

“(2) the judge whose conduct is the subject of a complaint under this chapter be afforded an opportunity to appear (in person or by counsel) at proceedings conducted by the investigating panel, to present oral and documentary evidence, to compel the attendance of witnesses or the production of documents, to cross-examine witnesses, and to present argument orally or in writing; and

“(3) the complainant be afforded an opportunity to appear at proceedings conducted by the investigating panel, if the panel concludes that the complainant could offer substantial information.

“(c) PROCEDURES.—Any rule prescribed under this section shall be made or amended only after

giving appropriate public notice and an opportunity for comment. Any such rule shall be a matter of public record, and any such rule promulgated by a judicial council may be modified by the Judicial Conference. No rule promulgated under this section may limit the period of time within which a person may file a complaint under this chapter.

#### “§359. Restrictions

“(a) RESTRICTION ON INDIVIDUALS WHO ARE SUBJECT OF INVESTIGATION.—No judge whose conduct is the subject of an investigation under this chapter shall serve upon a special committee appointed under section 353, upon a judicial council, upon the Judicial Conference, or upon the standing committee established under section 331, until all proceedings under this chapter relating to such investigation have been finally terminated.

“(b) AMICUS CURIAE.—No person shall be granted the right to intervene or to appear as amicus curiae in any proceeding before a judicial council or the Judicial Conference under this chapter.

#### “§360. Disclosure of information

“(a) CONFIDENTIALITY OF PROCEEDINGS.—Except as provided in section 355, all papers, documents, and records of proceedings related to investigations conducted under this chapter shall be confidential and shall not be disclosed by any person in any proceeding except to the extent that—

“(1) the judicial council of the circuit in its discretion releases a copy of a report of a special committee under section 353(c) to the complainant whose complaint initiated the investigation by that special committee and to the judge whose conduct is the subject of the complaint;

“(2) the judicial council of the circuit, the Judicial Conference of the United States, or the Senate or the House of Representatives by resolution, releases any such material which is believed necessary to an impeachment investigation or trial of a judge under article I of the Constitution; or

“(3) such disclosure is authorized in writing by the judge who is the subject of the complaint and by the chief judge of the circuit, the Chief Justice, or the chairman of the standing committee established under section 331.

“(b) PUBLIC AVAILABILITY OF WRITTEN ORDERS.—Each written order to implement any action under section 354(a)(1)(C), which is issued by a judicial council, the Judicial Conference, or the standing committee established under section 331, shall be made available to the public through the appropriate clerk's office of the court of appeals for the circuit. Unless contrary to the interests of justice, each such order shall be accompanied by written reasons therefor.

#### “§361. Reimbursement of expenses

“Upon the request of a judge whose conduct is the subject of a complaint under this chapter, the judicial council may, if the complaint has been finally dismissed under section 354(a)(1)(B), recommend that the Director of the Administrative Office of the United States Courts award reimbursement, from funds appropriated to the Federal judiciary, for those reasonable expenses, including attorneys' fees, incurred by that judge during the investigation which would not have been incurred but for the requirements of this chapter.

#### “§362. Other provisions and rules not affected

“Except as expressly provided in this chapter, nothing in this chapter shall be construed to affect any other provision of this title, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Federal Rules of Appellate Procedure, or the Federal Rules of Evidence.

#### “§363. Court of Federal Claims, Court of International Trade, Court of Appeals for the Federal Circuit

“The United States Court of Federal Claims, the Court of International Trade, and the Court

of Appeals for the Federal Circuit shall each prescribe rules, consistent with the provisions of this chapter, establishing procedures for the filing of complaints with respect to the conduct of any judge of such court and for the investigation and resolution of such complaints. In investigating and taking action with respect to any such complaint, each such court shall have the powers granted to a judicial council under this chapter.

#### “§364. Effect of felony conviction

“In the case of any judge or judge of a court referred to in section 363 who is convicted of a felony under State or Federal law and has exhausted all means of obtaining direct review of the conviction, or the time for seeking further direct review of the conviction has passed and no such review has been sought, that judge shall not hear cases unless the judicial council of the circuit (or, in the case of a judge of a court referred to in section 363, that court) determines otherwise.”

(b) CONFORMING AMENDMENT.—The table of chapters for part 1 of title 28, United States Code, is amended by inserting after the item relating to chapter 15 the following new item:

“16. Complaints against judges and judicial discipline ..... 351”.

#### SEC. 3. TECHNICAL AMENDMENTS.

(a) RETIREMENT FOR DISABILITY.—(1) Section 372 of title 28, United States Code, is amended—

(A) in the section caption by striking “; judicial discipline”;

(B) by striking subsection (c).

(2) The item relating to section 372 in the table of sections for chapter 17 of title 28, United States Code, is amended by striking “; judicial discipline”.

(b) JUDICIAL CONFERENCE.—Section 331 of title 28, United States Code, is amended in the fourth undesignated paragraph by striking “section 372(c)” each place it appears and inserting “chapter 16”.

(c) JUDICIAL COUNCILS.—Section 332 of title 28, United States Code, is amended—

(1) in subsection (d)(2)—

(A) by striking “section 372(c) of this title” and inserting “chapter 16 of this title”; and

(B) by striking “372(c)(4)” and inserting “353”; and

(2) by striking the second subsection designated as subsection (h).

(d) RECALL OF BANKRUPTCY JUDGES AND MAGISTRATE JUDGES.—Section 375(d) of title 28, United States Code, is amended by striking “section 372(c)” and inserting “chapter 16”.

(e) DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Section 604 of title 28, United States Code, is amended—

(1) in subsection (a)(20)—

(A) in subparagraph (B), by striking “372(c)(11)” and inserting “358”; and

(B) in subparagraph (C), by striking “372(c)(15)” and inserting “360(b)”; and

(2) in subsection (h)—

(A) in paragraph (1), by striking “section 372” each place it appears and inserting “chapter 16”; and

(B) in paragraph (2), by striking “section 372(c)” and inserting “chapter 16”.

(f) COURT OF APPEALS FOR VETERANS CLAIMS.—Section 7253(g) of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “section 372(c)” and inserting “chapter 16”; and

(B) by striking “such section” and inserting “such chapter”; and

(2) in paragraph (2)—

(A) in the first sentence, by striking “paragraphs (7) through (15) of section 372(c)” and inserting “sections 354(b) through 360”; and

(B) in the second sentence, by striking “paragraph (7) or (8) of section 372(c)” and inserting “section 354(b) or 355”; and

(3) in paragraph (3)(B), by striking “372(c)(16)” and inserting “361”.

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

## GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3892 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3892 constitutes a noncontroversial fine-tuning of an existing statute, the Judicial Conduct and Disability Act of 1980, which permits individuals to file complaints against Federal judges for inappropriate behavior.

The legislation before us will reorganize the 1980 act by recodifying it as a new chapter of title 28, United States Code, thereby making it easier to locate and use. The bill will also clarify the responsibilities of a circuit chief judge in making the initial evaluations of a complaint, will specifically empower a judicial council to refer a complaint to a smaller panel for greater scrutiny. These changes will not only assist the Federal judiciary in discharging its responsibilities under the 1980 act, they will enable an individual to understand more fully the reasoning behind the disposition of a complaint.

Mr. Speaker, the Committee on the Judiciary believes that the 1980 act works well in most instances but could work better. We have developed this bill with full participation of the minority, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3892, the Judicial Improvements Act of 2002. H.R. 3892 makes slight modifications to existing Federal judicial misconduct statutes. These statutes govern the methods and procedures through which a complaint against a Federal judge is filed and evaluated.

H.R. 3892 improves the statutes of both the judiciary and the complainant. H.R. 3892 clarifies how chief judges should evaluate complaints while enabling a complainant to receive a fair and expeditious review of his or her complaint. Specifically, H.R. 3892 accomplishes four primary goals. H.R. 3892 creates a new chapter to house the misconduct statutes, better organized and more convenient than before. Second, it recognizes the authority of a

chief judge to conduct a limited inquiry into a complaint against a Federal judge to evaluate the merit of the complaint. Third, H.R. 3892 specifies additional valid criteria for a dismissal of a complaint. Finally, it permits a subset of the judicial council to evaluate a complainant's appeal rather than the full council.

I believe that is the right direction to assist our Federal judiciary, which I know wants to be on top of the rules and in front of the rules, to do their jobs and to monitor their own conduct.

Mr. Speaker, I rise in support of H.R. 3892, the Judicial Improvements Act of 2002.

H.R. 3892 makes slight modifications to existing federal judicial misconduct statutes. These statutes govern the methods and procedures through which a complaint against a federal judge is filed and evaluated.

H.R. 3892 improves these statutes for both the judiciary and the complainant. H.R. 3892 clarifies how chief judges should evaluate complaints, while enabling a complainant to receive a fair and expeditious review of his or her complaint.

Specifically, H.R. 3892 accomplishes four primary goals.

First, H.R. 3892 creates a new chapter to house the misconduct statutes, better organized and more convenient than before.

Second, it recognizes the authority of a chief judge to conduct a limited inquiry into a complaint against a federal judge, to evaluate the merit of the complaint.

Third, H.R. 3892 specifies additional valid criteria for a dismissal of a complaint.

Finally, it permits a subset of the judicial council to evaluate a complainant's appeal, rather than the full council.

This legislation is the outcome of the Subcommittee on Courts, the Internet, and Intellectual Property oversight hearing held in November 2001 on judicial misconduct and recusal.

The reorganization and clarifications in this bill were discussed and supported by the witnesses at that hearing. H.R. 3892 was subsequently marked up at both the Subcommittee and Committee levels with the full support of the Members.

This legislation helps the judiciary to police itself more effectively, and does not impose any additional restrictions or external oversight.

With that, I would ask my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the chairman has done a thorough job of describing the bill, so I will not rehash his comments. I would say, however, that the bill was a bipartisan effort in the making, and I especially want to thank the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the House Committee on the Judiciary; the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member; and the distinguished gentleman

from California (Mr. BERMAN), who is the ranking member on the subcommittee of jurisdiction, for their contributions and cooperations.

In addition to our work on H.R. 3892, the gentleman from California (Mr. BERMAN) and I have undertaken two other projects to help improve the ethical standing of the judiciary. We have written to the Chief Justice asking that the judicial conference consider implementing certain administrative changes that should improve the operations of the courts; and we have, furthermore, requested that the Federal Judicial Center conduct a study of complaint dispositions throughout the various circuits. Combined with H.R. 3892, I believe that these efforts will assist Federal judges in discharging their ethical responsibilities while better informing the Congress as to the effectiveness of the judicial misconduct statute which we are amending today.

Finally, Mr. Speaker, I would be remiss if I failed to mention the diligent work of the following people who were incredibly helpful in the drafting of H.R. 3892: Mr. Arthur Hellman of the Pittsburg School of Law, Mr. Mike Remington, the former chief counsel on the Subcommittee on the Courts, the Internet and Intellectual Property, Sandy Strokoff of the Legislative Counsel's Office, as well as the Honorable William Osteen, United States District Judge from the middle district of North Carolina who appeared as a witness, and who by the way, Mr. Speaker, is one of my constituents.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know that the gentleman from California (Mr. BERMAN) would want me to thank the gentleman for his hard work on this legislation and to, as well, acknowledge the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) for their work on this legislation.

Mr. Speaker, I do want to note, I want to indicate that this legislation is the outcome of the Subcommittee on Courts, the Internet and Intellectual Property oversight hearing that was held November 2001 on judicial misconduct and recusal.

The reorganization and clarifications in this bill were discussed and supported by the witnesses at the hearing, and H.R. 3892 was subsequently marked up at both the subcommittee and committee levels with the full support of the Members. This legislation helps the judiciary to police itself more effectively and does not impose additional restrictions or external oversight.

Our committee, though this is not the Subcommittee on Courts for the Committee on the Judiciary, and I understand the committee that deals with commercial administrative law has had it brought to its attention issues dealing with ALJ's as it relates to the responsibility they have, in particular, dealing with Social Security

Administration issues. This kind of even-handed legislation and oversight hearings are the kind that I think will give us guidance on how to deal with the administrative law judges, and I would look forward in the time to come that we would have that opportunity. I support this legislation, and I ask my colleagues to vote in favor of H.R. 3892.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3892, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### RUSSIAN RIVER LAND ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3048) to resolve the claims of Cook Inlet Region, Inc., to lands adjacent to the Russian River in the State of Alaska, as amended.

The Clerk read as follows:

H.R. 3048

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Russian River Land Act".*

##### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Certain lands adjacent to the Russian River in the area of its confluence with the Kenai River contain abundant archaeological resources of significance to the Native people of the Cook Inlet Region, the Kenaitze Indian Tribe, and the citizens of the United States.

(2) Those lands at the confluence of the Russian River and Kenai River contain abundant fisheries resources of great significance to the citizens of Alaska.

(3) Cook Inlet Region, Inc., an Alaska Native Regional Corporation formed under the provisions of the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. 1601 et. seq.) (hereinafter in this Act referred to as "ANCSA"), has selected lands in the area pursuant to section 14(h)(1) of such Act (43 U.S.C. 1613(h)(1)), for their values as historic and cemetery sites.

(4) The United States Bureau of Land Management, the Federal agency responsible for the adjudication of ANCSA selections has not finished adjudicating Cook Inlet Region, Inc.'s selections under section 14(h)(1) of that Act as of the date of the enactment of this Act.

(5) The Bureau of Indian Affairs has certified a portion of Cook Inlet Region, Inc.'s selections under section 14(h)(1) of ANCSA as containing prehistoric and historic cultural artifacts, and meeting the requirements of section 14(h)(1) of that Act.

(6) A portion of the selections under section 14(h)(1) of ANCSA made by Cook Inlet Region, Inc., and certified by the Bureau of Indian Affairs lies within the Chugach National Forest over which the United States Forest Service is the agency currently responsible for the administration of public activities, archaeological features, and natural resources.

(7) A portion of the selections under section 14(h)(1) of ANCSA and the lands certified by the Bureau of Indian Affairs lies within the Kenai National Wildlife Refuge over which the United States Fish and Wildlife Service is the land managing agency currently responsible for the administration of public activities, archaeological features, and natural resources.

(8) The area addressed by this Act lies within the Sqiłantnu Archaeological District which was determined eligible for the National Register of Historic Places on December 31, 1981.

(9) Both the Forest Service and the Fish and Wildlife Service dispute the validity and timeliness of Cook Inlet Region, Inc.'s selections under section 14(h)(1) of ANCSA.

(10) The Forest Service, Fish and Wildlife Service, and Cook Inlet Region, Inc., determined that it was in the interest of the United States and Cook Inlet Region, Inc., to—

(A) protect and preserve the outstanding historic, cultural, and natural resources of the area;

(B) resolve their disputes concerning the validity of Cook Inlet Region, Inc.'s selections under section 14(h)(1) of ANCSA without litigation; and

(C) provide for the management of public use of the area and protection of the cultural resources within the Sqiłantnu Archaeological District, particularly the management of the area at the confluence of the Russian and Kenai Rivers.

(11) Legislation is required to enact the resolution reached by the Forest Service, the Fish and Wildlife Service, and Cook Inlet Region, Inc.

(b) PURPOSE.—It is the purpose of this Act to ratify an agreement between the Department of Agriculture, the Department of the Interior, and Cook Inlet Region, Inc.

##### SEC. 3. RATIFICATION OF AGREEMENT BETWEEN THE UNITED STATES FOREST SERVICE, UNITED STATES FISH AND WILDLIFE SERVICE, AND COOK INLET REGION, INC.

(a) RATIFICATION OF AGREEMENT.—

(1) IN GENERAL.—The terms, conditions, covenants, and procedures set forth in the document entitled "Russian River Section 14(h)(1) Selection Agreement", which was executed by Cook Inlet Region, Inc., the United States Department of Agriculture, and the United States Department of the Interior on July 26, 2001, (hereinafter in this Act referred to as the "Agreement"), are hereby incorporated in this section, and are ratified, as to the duties and obligations of the United States and the Cook Inlet Region, Inc., as a matter of Federal law.

(2) SECTION 5.—The ratification of section 5 of the Agreement is subject to the following conditions:

(A) The Fish and Wildlife Service shall consult with interested parties when developing an exchange under section 5 of the Agreement.

(B) The Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a copy of the agreement implementing any exchange under section 5 of the Agreement not less than 30 days before the exchange becomes effective.

(3) AGREEMENT CONTROLS.—In the event any of the terms of the Agreement conflict with any other provision of law, the terms of the Agreement shall be controlling.

(b) AUTHORIZATION OF ACTIONS.—The Secretaries of Agriculture and the Interior are authorized to take all actions required under the terms of the Agreement.

##### SEC. 4. AUTHORIZATION OF APPROPRIATION.

(a) IN GENERAL.—There is authorized to be appropriated to the Department of Agriculture, Office of State and Private Forestry, \$13,800,000, to remain available until expended, for Cook Inlet Region, Inc., for the following:

(1) Costs for the planning and design of the Joint Visitor's Interpretive Center.

(2) Planning and design of the Sqiłantnu Archaeological Research Center.

(3) Construction of these facilities to be established in accordance with and for the purposes set forth in the Agreement.

(b) LIMITATION ON USE OF FUNDS.—Of the amount appropriated under this section, not more than 1 percent may be used to reimburse the Forest Service, the Fish and Wildlife Service, and the Kenaitze Indian Tribe for the costs they incur in assisting Cook Inlet Region, Inc. in the planning and design of the Joint Visitor's Interpretive Center and the Sqiłantnu Archaeological Research Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I want to congratulate your ability to pronounce the name of my good friend from American Samoa.

This legislation, H.R. 3048, introduced by myself, ratifies a land settlement at Russian River on the Kenai Peninsula in Alaska.

Section 14(h)(1) of the Alaska Native Claims Settlement Act authorized ANCSA corporations to make selections of cultural sites within their region.

Cook Inlet Region, Inc., selected historical sites and cemetery sites 26 years ago. Initially, the U.S. Fish and Wildlife Service and U.S. Forest Service, which jointly managed the land at issue, contested CIRI's selections. Not only is the area surrounding the confluence of the Russian and Kenai Rivers rich in archeological and cultural features, but it is also the site of perhaps the most heavily used public sports fishery in Alaska.

For the past 3 years, CIRI has been negotiating with Fish and Wildlife and the Forest Service for lands surrounding the confluence of the Russian and Kenai Rivers. On July 26, 2001, all three parties reached an agreement which allows the public to maintain the right to fish the waters at the confluence of the two rivers. Without Federal legislation, this agreement could not be ratified. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly would like to commend the distinguished gentleman from Alaska (Mr. YOUNG) not only as a former chairman of our Committee on Resources but now as chairman of the distinguished Committee on Transportation and Infrastructure.