

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4357

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

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IN THE HOUSE OF REPRESENTATIVES

MAY 5, 1994

Mr. HUGHES (for himself and Mr. MOORHEAD) (both by request) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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 1994”.

6 (b) TABLE OF CONTENTS.—The following is the table  
7 of contents for this Act:

Section 1. Short title and table of contents.

TITLE I—FEDERAL COURTS STUDY COMMITTEE  
RECOMMENDATIONS

Sec. 101. Diversity jurisdiction.

Sec. 102. Prisoner civil rights suits.

- Sec. 103. Parties' consent to bankruptcy judge's findings and -- --conclusions of law.
- Sec. 104. Enforcement of National Labor Relations Board ---orders.
- Sec. 105. Qualification of chief judge of Court of International Trade.
- Sec. 106. Judicial cost-of-living increases.

#### TITLE II—JUDICIAL FINANCIAL ADMINISTRATION

- Sec. 201. Reimbursement of judiciary for civil and criminal ---forfeiture expenses.
- Sec. 202. Amendments to the judiciary automation fund.
- Sec. 203. Increase in civil action filing fee.
- Sec. 204. Increase in attorney admission fees.
- Sec. 205. Transfer of retirement funds.
- Sec. 206. Consolidation of unclaimed registry funds.
- Sec. 207. Interpreter performance examination fees.

#### TITLE III—JUDICIAL PROCESS IMPROVEMENTS

- Sec. 301. Court arbitration authorization.
- Sec. 302. Duties of magistrate judge on emergency assignment.
- Sec. 303. Consent to trial in certain criminal actions.
- Sec. 304. Removal of cases under the Employee Retirement ---Income Security Act.
- Sec. 305. Elimination of in-state plaintiff in diversity -- jurisdiction cases.

#### TITLE IV—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

- Sec. 401. Judicial retirement matters.
- Sec. 402. Senior judge certification.
- Sec. 403. Contribution rate for senior judges under the Judicial Survivors' Annuities system.
- Sec. 404. Refund of contributions for deceased deferred annuitants under the Judicial Survivors' Annuities system.
- Sec. 405. Disability retirement and cost-of-living adjustments of annuities for territorial judges.
- Sec. 406. Federal Judicial Center personnel matters.
- Sec. 407. Judicial administrative officials retirement matters.

#### TITLE V—CRIMINAL LAW

- Sec. 501. New authority for probation and pretrial services officers.
- Sec. 502. Transportation expenses for defendants.
- Sec. 503. Federal substance abuse treatment program reauthorization.
- Sec. 504. Technical Amendments to Federal Rules of Criminal Procedure.

#### TITLE VI—CRIMINAL JUSTICE ACT AMENDMENTS

- Sec. 601. Establishment of Federal defender organizations.
- Sec. 602. Panel attorney support office.
- Sec. 603. Judicial Conference to determine rates of compensation for attorneys.
- Sec. 604. Judicial Conference to determine maximum amounts of compensation for services other than counsel.
- Sec. 605. Compensation of paralegals and law students.
- Sec. 606. Tort Claims Act amendments relating to liability of Federal public defenders.

## TITLE VII—PLACES OF HOLDING COURT

- Sec. 701. Place of Holding Court in the Northern district of --- Indiana.  
 Sec. 702. Place of Holding Court in the Southern district of New --York.  
 Sec. 703. Place of Holding Court in the Eastern district of Texas.

## TITLE VIII—BANKRUPTCY

- Sec. 801. Bankruptcy rulemaking.  
 Sec. 802. Bankruptcy administrator program.  
 Sec. 803. Damages for violation of automatic stay.

## TITLE IX—MISCELLANEOUS

- Sec. 901. Property damage, theft, and loss claims of jurors.  
 Sec. 902. Expanded workers' compensation coverage for jurors.  
 Sec. 903. Exemption from jury service.  
 Sec. 904. Full-time status of court reporters.  
 Sec. 905. Technical amendment relating to the Judicial Conference.  
 Sec. 906. Technical amendment relating to the Director and Deputy Director of the Administrative Office.  
 Sec. 907. Technical amendment relating to removal.  
 Sec. 908. Technical amendment to Federal Judicial Center retirement provisions.  
 Sec. 909. Vacancy in clerk position; absence of clerk; compensation of deceased clerk of Supreme Court.  
 Sec. 910. Registration of judgments for enforcement in other districts.  
 Sec. 911. Magistrate judge positions authorized in the District Courts of Guam and the Northern Mariana Islands.  
 Sec. 912. Venue in diversity civil actions.

1 **TITLE I—FEDERAL COURTS**  
 2 **STUDY COMMITTEE REC-**  
 3 **COMMENDATIONS**

4 **SEC. 101. DIVERSITY JURISDICTION.**

5 (a) Section 1332 of title 28, United States Code, is  
 6 amended—

7 (1) in subsection (a), by striking out “\$50,000”  
 8 and inserting in lieu thereof “\$75,000”;

9 (2) in subsection (b), by striking out “\$50,000”  
 10 and inserting in lieu thereof “\$75,000”;

11 (3) by redesignating subsection (d) as sub-  
 12 section (e); and

1           (4) by inserting after subsection (c) the follow-  
2           ing new subsection (d):

3           “(d)(1) Effective on January 1 of each year that im-  
4           mediately follows a year evenly divisible by 5, the amounts  
5           specified in subsection (a) of this section shall be increased  
6           by the percent change published in the Federal Register  
7           during the preceding year pursuant to paragraph (2) of  
8           this subsection. The amount shall be rounded up or down  
9           to the nearest five thousand dollars.

10          “(2) Before the end of each year that is evenly divis-  
11          ible by 5, the Director of the Administrative Office of the  
12          United States Courts shall compute the percent change  
13          in the price index for September 1 of such year over the  
14          price index for September 1 of the fifth year preceding  
15          such year and shall publish such percent change in the  
16          Federal Register.

17          “(3) As used in this subsection, the term ‘price index’  
18          means the Consumer Price Index (all items—United  
19          States city average) published monthly by the Bureau of  
20          Labor Statistics.”.

21          (b) The first increase under subsection (d) of section  
22          1332 of title 28, United States Code (as added by sub-  
23          section (a)(4)), shall be made effective on January 1,  
24          2000.

1 (c) This section shall take effect 90 days after the  
2 date of enactment of this Act.

3 **SEC. 102. PRISONER CIVIL RIGHTS SUITS.**

4 Section 7 of the Civil Rights of Institutionalized Per-  
5 sons Act (42 U.S.C. 1997e) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking out  
8 “ninety days” and inserting in lieu thereof  
9 “120 days”; and

10 (B) in paragraph (2), by inserting before  
11 the period at the end the following: “or are oth-  
12 erwise fair and effective”; and

13 (2) in subsection (c)—

14 (A) in paragraph (1), by inserting before  
15 the period at the end the following: “or are oth-  
16 erwise fair and effective”; and

17 (B) in paragraph (2), by inserting before  
18 the period at the end the following: “or is no  
19 longer fair and effective”.

20 **SEC. 103. PARTIES’ CONSENT TO BANKRUPTCY JUDGE’S**  
21 **FINDINGS AND CONCLUSIONS OF LAW.**

22 Section 157(c)(1) of title 28, United States Code, is  
23 amended to read as follows:

24 “(c)(1)(A) A bankruptcy judge may hear a proceed-  
25 ing that is not a core proceeding but that is otherwise re-

1 lated to a case under title 11. In such proceeding, the  
2 bankruptcy judge shall make proposed findings of fact and  
3 conclusions of law.

4 “(B) If a party files a timely objection, the bank-  
5 ruptcy judge shall submit the proposed findings of fact  
6 and conclusions of law to the district court, and any final  
7 order or judgment shall be entered by the district judge  
8 after considering the bankruptcy judge’s proposed findings  
9 and conclusions and after reviewing de novo those matters  
10 to which any party has timely and specifically objected.

11 “(C) if a party does not file a timely objection, that  
12 party shall be deemed to consent to the findings of fact  
13 and conclusions of law proposed by the bankruptcy judge.  
14 The proposed findings of fact and conclusions of law shall  
15 become final, and the bankruptcy judge shall enter an ap-  
16 propriate order thereon.”.

17 **SEC. 104. ENFORCEMENT OF NATIONAL LABOR RELATIONS**  
18 **BOARD ORDERS.**

19 Section 10 of the National Labor Relations Act (29  
20 U.S.C. 160) is amended—

21 (1) in subsection (e)—

22 (A) by striking out the first sentence;

23 (B) in the second sentence, by striking out

24 “Upon the filing” and all that follows through

25 “thereupon” and inserting in lieu thereof

1 “Upon the filing of a petition for review under  
2 subsection (e), the court”; and

3 (C) in the last sentence, by striking out  
4 “by the appropriate United States court of ap-  
5 peals if application was made to the district  
6 court as hereinabove provided, and”;

7 (2) in subsection (f)—

8 (A) in the first sentence by inserting “,  
9 within 30 days after the date of the order,”  
10 after “by filing in such court”; and

11 (B) by striking out the last sentence;

12 (3) by redesignating subsections (e) and (f) as  
13 subsections (f) and (e), respectively, and by revers-  
14 ing the order of such subsections;

15 (4) in subsection (g), by striking out “or (f)”;

16 and

17 (5) by adding at the end thereof the following  
18 new subsection:

19 “(n) If any person violates a final order issued by  
20 the Board under this Act with respect to an unfair labor  
21 practice, the Board may petition any United States dis-  
22 trict court in which the unfair labor practice occurred, or  
23 in which such person resides or transacts business, for im-  
24 position of a monetary penalty not to exceed \$5,000 for  
25 each day on which such person violates the order. The

1 United States district courts shall have jurisdiction to im-  
2 pose such a penalty.”.

3 **SEC. 105. QUALIFICATION OF CHIEF JUDGE OF COURT OF**  
4 **INTERNATIONAL TRADE.**

5 (a) Chapter 11 of title 28, United States Code, is  
6 amended by adding at the end the following:

7 **“§ 258. Chief judges; precedence of judges**

8 “(a)(1) The chief judge of the Court of International  
9 Trade shall be the judge of the court in regular active  
10 service who is senior in commission of those judges who—

11 “(A) are 64 years of age or under;

12 “(B) have served for one year or more as a  
13 judge of the ---court; and

14 “(C) have not served previously as chief judge.

15 “(2)(A) In any case in which no judge of the court  
16 meets the qualifications of paragraph (1), the youngest  
17 judge in regular active service who is 65 years of age or  
18 over and who has served as a judge of the court for one  
19 year or more shall act as the chief judge.

20 “(B) In any case under subparagraph (A) in which  
21 there is no judge of the court in regular active service who  
22 has served as a judge of the court for one year or more,  
23 the judge of the court in regular active service who is sen-  
24 ior in commission and who has not served previously as  
25 chief judge shall act as the chief judge.

1       “(3)(A) Except as provided in subparagraph (C), the  
2 chief judge serving under paragraph (1) shall serve for  
3 a term of seven years and shall serve after expiration of  
4 such term until another judge is eligible under paragraph  
5 (1) to serve as chief judge.

6       “(B) Except as provided in subparagraph (C), a  
7 judge of the court acting as chief judge under subpara-  
8 graph (A) or (B) of paragraph (2) shall serve until a judge  
9 meets the qualifications under paragraph (1).

10       “(C) No judge of the court may serve or act as chief  
11 judge of the court after attaining the age of 70 years un-  
12 less no other judge is qualified to serve as chief judge  
13 under paragraph (1) or is qualified to act as chief judge  
14 under paragraph (2).

15       “(b) The chief judge shall have precedence and pre-  
16 side at any session of the court which he or she attends.  
17 Other judges of the court shall have precedence and pre-  
18 side according to the seniority of their commissions.  
19 Judges whose commissions bear the same date shall have  
20 precedence according to seniority in age.

21       “(c) If the chief judge desires to be relieved of his  
22 or her duties as chief judge while retaining active status  
23 as a judge of the court, the chief judge may so certify  
24 to the Chief Justice of the United States, and thereafter  
25 the chief judge of the court shall be such other judge of

1 the court who is qualified to serve or act as chief judge  
2 under subsection (a).

3 “(d) If a chief judge is temporarily unable to perform  
4 his or her duties as such, they shall be performed by the  
5 judge of the court in active service, able and qualified to  
6 act, who is next in precedence.”.

7 (b) Chapter 11 of title 28, United States Code, is  
8 amended as follows:

9 (1) Section 251 is amended by striking sub-  
10 section (b) and redesignating subsection (c) as sub-  
11 section (b).

12 (2) Section 253 is amended—

13 (A) by amending the section caption to  
14 read as follows:

15 **“§ 253. Duties of chief judge”;**

16 and

17 (B) by striking subsections (d) and (e).

18 (3) The table of sections at the beginning of  
19 chapter 11 of title 28, United States Code, is  
20 amended—

21 (A) by amending the item relating to sec-  
22 tion 253 to read as follows:

“253. Duties of chief judge.”;

23 and

24 (B) by adding at the end the following:

“258. Chief judges; precedence of judges.”.

1 (c) Notwithstanding the provisions of section 258(a)  
2 of title 28, United States Code, the chief judge of the  
3 United States Court of International Trade who is in of-  
4 fice on the day before the date of enactment of this Act  
5 shall continue to be such chief judge on or after such date  
6 until any one of the following events occurs:

7 (1) The chief judge is relieved of his duties pur-  
8 suant to section 258(c) of title 28, United States  
9 Code.

10 (2) The regular active status of the chief judge  
11 is terminated.

12 (3) The chief judge attains the age of seventy  
13 years.

14 (4) The chief judge has served for a term of  
15 seven years as chief judge.

16 When the chief judge vacates the position of chief judge  
17 pursuant to the preceding sentence, the position of chief  
18 judge of the Court of International Trade shall be filled  
19 in accordance with section 258(a) of title 28, United  
20 States Code.

21 **SEC. 106. JUDICIAL COST-OF-LIVING INCREASES.**

22 Section 140 of Public Law 97-92 (95 Stat. 1200)  
23 is repealed.

1 **TITLE II—JUDICIAL FINANCIAL**  
2 **ADMINISTRATION**

3 **SEC. 201. REIMBURSEMENT OF JUDICIARY FOR CIVIL AND**  
4 **CRIMINAL --FORFEITURE EXPENSES.**

5 (a) Section 524(c) of title 28, United States Code,  
6 is amended—

7 (1) by redesignating paragraph (12) as para-  
8 graph (13);

9 (2) by redesignating paragraph (11) as para-  
10 graph (12);

11 (3) by redesignating paragraph (10) as para-  
12 graph (11);

13 (4) by redesignating paragraph (9) as para-  
14 graph (10); and

15 (5) by inserting after paragraph (8) the follow-  
16 ing new paragraph:

17 “(9)(A) In fiscal year 1993 and each fiscal year  
18 thereafter, an amount as specified in subparagraph  
19 (B) shall be transferred annually to the Judiciary  
20 into the fund established under section 1931 of this  
21 title, for expenses incurred in—

22 “(i) adjudication of civil and criminal for-  
23 feiture proceedings that result in deposits into  
24 the Fund (except the expense of salaries of  
25 judges);

1           “(ii) representation, pursuant to the provi-  
2 sions of section 3006A of title 18, of offenders  
3 whose assets have been seized in such forfeiture  
4 proceedings, to the extent that such expenses of  
5 representation could have been recovered  
6 through an order for payment or for reimburse-  
7 ment of the Defender Services appropriation  
8 pursuant to section 3006A(f) of title 18; and

9           “(iii) supervision by United States proba-  
10 tion officers of offenders under home detention  
11 or other forms of confinement outside of Bu-  
12 reau of Prisons facilities.

13           “(B) The amount to be transferred—

14           “(i) shall be a portion of the total amount  
15 to be transferred from the combined fiscal year  
16 deposits into both the Fund and the Depart-  
17 ment of Treasury Asset Forfeiture Fund estab-  
18 lished by section 9703 of title 31 (hereafter re-  
19 ferred to as ‘both Funds’), which total shall not  
20 exceed the statement of costs incurred by the  
21 Judiciary in providing the services identified in  
22 subparagraph (A), as set forth by the Director  
23 of the Administrative Office of the United  
24 States Courts in a report to the Attorney Gen-  
25 eral and the Secretary of the Treasury no later

1 than 90 days after the end of the fiscal year in  
2 which the expenses were incurred; provided that  
3 the total amount to be transferred from both  
4 Funds shall not exceed \$50,000,000, or 10 per-  
5 cent of the total combined deposits into both  
6 Funds, whichever is less; provided further, that  
7 the proportion of the amount transferred from  
8 the Fund to the total amount to be transferred  
9 shall be equal to the proportion of the fiscal  
10 year deposits into the Fund to the combined fis-  
11 cal year deposits into both Funds; provided fur-  
12 ther, that the total amount to be transferred  
13 from both Funds may exceed the limits set out  
14 in this subparagraph subject to the discretion of  
15 the Attorney General and the Secretary of the  
16 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) Section 9703 of title 31, United States Code, is  
22 amended—

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



1 and in the Administrative Office of the United  
2 States Courts,”; and

3 (C) by striking “in the judicial branch” in  
4 the last sentence and inserting in lieu thereof  
5 “purchased by the Fund. In addition, all agen-  
6 cies of the Judiciary may make deposits into  
7 the Fund to meet their automatic data process-  
8 ing needs in accordance with subsections (b)  
9 and (c)(2)”;

10 (2) in subsection (b)(1), by striking “judicial  
11 branch” and inserting in lieu thereof “activities  
12 funded in subsection (a) and shall include an annual  
13 estimate of any fees that may be collected pursuant  
14 to section 404 of Public Law 101–515”;

15 (3) in subsection (b)(2), by striking “judicial  
16 branch of the United States” and inserting in lieu  
17 thereof “activities funded under subsection (a)”;

18 (4) in subsection (c)(1)(A), by inserting after  
19 “surplus property” the following: “, all fees here-  
20 after collected by the Judiciary pursuant to section  
21 404 of Public Law 101–515,”;

22 (5) in subsection (e), by striking “\$75,000,000”  
23 and inserting in lieu thereof “amounts estimated to  
24 be collected under subsection (c) for that fiscal  
25 year”;

1 (6) in subsection (i)—

2 (A) by striking “and upon notification to  
3 the Committees on Appropriations of the House  
4 of Representatives and the Senate”;

5 (B) by striking “use” and inserting in lieu  
6 thereof “transfer”;

7 (C) by striking “deposited into” and in-  
8 serting in lieu thereof “up to \$1,000,000 from”;  
9 and

10 (D) by striking “under subparagraph  
11 (c)(1)(B) for purposes other than those estab-  
12 lished in subsection (a)” and inserting in lieu  
13 thereof “into the account to which the funds  
14 were originally appropriated. Any amounts  
15 above this level may be moved out of the  
16 Fund”;

17 (7) in the second sentence of subsection (j) by  
18 inserting after “not specified” the following: “in  
19 statute”; and

20 (8) in subsection (1)—

21 (A) by striking “1994” and inserting in  
22 lieu thereof “1999”; and

23 (B) by striking “‘Judicial Services Ac-  
24 count’” and inserting in lieu thereof “fund es-  
25 tablished under section 1931 of this title”.

1 **SEC. 203. INCREASE IN CIVIL ACTION FILING FEE.**

2 (a) FILING FEE INCREASE.—Section 1914(a) of title  
3 28, United States Code, is amended by striking “\$120”  
4 and inserting in lieu thereof “\$150”.

5 (b) DISPOSITION OF INCREASE.—Section 1931 of  
6 title 28, United States Code, is amended—

7 (1) by striking “\$60” in subsections (a) and (b)  
8 and insert in lieu thereof in each place “\$90”; and

9 (2) by striking “\$120” in subsection (b) and in-  
10 sserting in lieu thereof “\$150”.

11 **SEC. 204. INCREASE IN ATTORNEY ADMISSION FEES.**

12 For fiscal year 1994 and thereafter, of each fee col-  
13 lected for admission of an attorney to practice, as pre-  
14 scribed by the Judicial Conference of the United States  
15 pursuant to section 1914 of title 28, United States Code,  
16 \$30 of that portion of the fee exceeding \$20 shall be de-  
17 posited into the special fund of the Treasury established  
18 under section 1931 of title 28, United States Code. Any  
19 portion exceeding \$5 of the fee for a duplicate certificate  
20 of admission or certificate of good standing, as prescribed  
21 by the Judicial Conference of the United States pursuant  
22 to section 1914 of title 28, United States Code, shall be  
23 deposited into the special fund of the Treasury established  
24 under section 1931 of title 28, United States Code.

1 **SEC. 205. TRANSFER OF RETIREMENT FUNDS.**

2 Section 377 of title 28, United States Code, is  
3 amended by adding at the end thereof the following new  
4 subsection:

5 “(p) Upon an election by a bankruptcy judge or a  
6 magistrate judge under subsection (f) of this section, all  
7 of the accrued employer contributions and accrued interest  
8 on those contributions made on behalf of the bankruptcy  
9 judge or magistrate judge to the Civil Service Retirement  
10 and Disability Fund as defined under section 8348 of title  
11 5 shall be transferred to the fund established under sec-  
12 tion 1931 of this title: *Provided, however,* That if the bank-  
13 ruptcy judge or magistrate judge elects, under section 2(c)  
14 of the Retirement and Survivors’ Annuities for Bank-  
15 ruptcy Judges and Magistrates Act of 1988 (Public Law  
16 100–659), to receive a retirement annuity under both this  
17 section and title 5, only the accrued employer contribu-  
18 tions and accrued interest on such contributions made on  
19 behalf of the bankruptcy judge or magistrate judge for  
20 service credited under this section may be transferred.”.

21 **SEC. 206. CONSOLIDATION OF UNCLAIMED REGISTRY**  
22 **FUNDS.**

23 (a) Section 2042 of title 28, United States Code, is  
24 amended—

25 (1) by amending the section heading to read as  
26 follows:

1 **“§ 2042. Withdrawal; intra-judicial transfers; transfer**  
2 **of unclaimed money”;**

3 (2) by inserting “(a)” before the first para-  
4 graph; and

5 (3) by striking out the second paragraph and  
6 inserting in lieu thereof the following new sub-  
7 sections:

8 “(b)(1) In every case in which the right to withdraw  
9 money deposited in court under section 2041 has been ad-  
10 judicated or is not in dispute and such money has re-  
11 mained so deposited for at least ninety (90) days un-  
12 claimed by the person entitled thereto, such court shall  
13 cause such money to be transferred to the Director of the  
14 Administrative Office of the United States Courts. Con-  
15 current with such transfer, the Director shall assume all  
16 fiduciary duties and responsibilities for such money.

17 “(2) Interest earned by such money while under the  
18 authorized control of the Director as described in para-  
19 graph (1) shall be treated in the same manner as interest  
20 earned on funds deposited in a court’s registry. Any funds  
21 hereafter collected by the Judiciary as a charge for serv-  
22 ices rendered in administering the funds deposited under  
23 paragraph (1) shall be deposited into the separate account  
24 entitled ‘Registry Administration Account’ in the Treasury  
25 of the United States (as established by title IV of Public  
26 Law 100–459 (102 Stat. 2211). Such funds shall remain

1 available to the Judiciary until expended, without further  
2 appropriation, to reimburse any appropriation for the  
3 amount paid out for expenses of the Courts of Appeals,  
4 District Courts, and Other Judicial Services and the Ad-  
5 ministrative Office of the United States Courts.

6 “(c) After such money as described in subsection  
7 (b)(1) has remained deposited under the authority and  
8 control of the Director for at least five years unclaimed  
9 by any person entitled thereto, the Director shall cause  
10 such money and accrued interest to be deposited in the  
11 Treasury in the name and to the credit of the United  
12 States. Any claimant entitled to any such money may, on  
13 petition to the court and upon notice to the United States  
14 attorney and full proof of the right thereto, obtain an  
15 order directing payment to such claimant.

16 “(d) The Director shall develop rules and procedures  
17 regarding the deposit, transfer and withdrawal of such  
18 moneys described in this section in accordance with the  
19 authority granted to the Director by section 604(f) of this  
20 title.”.

21 (b) The table of sections for chapter 129 of title 28,  
22 United States Code, is amended by amending the item re-  
23 lated to section 2042 to read as follows:

“2042. Withdrawals; intra-judicial transfers; transfer of --unclaimed money.”.

1 **SEC. 207. INTERPRETER PERFORMANCE EXAMINATION**  
2 **FEES.**

3 (a) Section 1827(g) of title 28, United States Code,  
4 is amended by redesignating paragraph (5) as paragraph  
5 (6) and insert the following after paragraph (4):

6 “(5) If the Director of the Administrative Office of  
7 the United States Courts finds it necessary to develop and  
8 administer criterion-referenced performance examinations  
9 for purposes of certification, or other examinations for the  
10 selection of otherwise qualified interpreters, the Director  
11 may prescribe for each examination a uniform fee for ap-  
12 plicants to take such examination. In determining the rate  
13 of the fee for each examination, the Director shall consider  
14 the fees charged by other organizations for examinations  
15 that are similar in scope or nature. Notwithstanding sec-  
16 tion 3302(b) of title 31, the Director is authorized to pro-  
17 vide in any contract or agreement for the development or  
18 administration of examinations and the collection of fees  
19 that the contractor may retain all or a portion of the fees  
20 in payment for the services. Notwithstanding paragraph  
21 (6) of this subsection all fees hereafter collected and not  
22 retained by a contractor shall be deposited in the fund  
23 established under section 1931 of this title and shall re-  
24 main available until expended.”.

25 (b) The Director of the Administrative Office of the  
26 United States is hereby granted retroactive authority to

1 include in any contract for the development or administra-  
2 tion of examinations for interpreters a provision which  
3 permits the contractor to collect and retain fees in pay-  
4 ment for contractual services, notwithstanding sections  
5 3302(b), 1341, and 1517 of title 31, United States Code.

6 **TITLE III—JUDICIAL PROCESS**  
7 **IMPROVEMENTS**

8 **SEC. 301. COURT ARBITRATION AUTHORIZATION.**

9 (a) DISTRICT COURTS THAT MAY AUTHORIZE ARBI-  
10 TRATION.—Paragraph (2) of section 658 of title 28,  
11 United States Code, is amended to read as follows:

12 “(2) All other judicial districts that elect to uti-  
13 lize arbitration programs.”.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
15 905 of the Judicial Improvements and Access to Justice  
16 Act (28 U.S.C. 651 note) is amended—

17 (1) in the first sentence by striking “for the fis-  
18 cal year” and all that follows through “7 fiscal  
19 years,”; and

20 (2) in the third sentence by striking “, except  
21 that” and all that follows through “this Act”.

22 (c) REMOVAL OF REPEALER.—Section 906 of the Ju-  
23 dicial Improvements and Access to Justice Act (28 U.S.C.  
24 651 note), and the item relating to such section in the

1 table of contents contained in section 3 of such Act, are  
2 repealed.

3 **SEC. 302. DUTIES OF MAGISTRATE JUDGE ON EMERGENCY**  
4 **ASSIGNMENT.**

5 The first sentence of section 636(f) of title 28, United  
6 States Code, is amended by striking “(a) or (b)” and in-  
7 serting in lieu thereof “(a), (b), or (c)”.

8 **SEC. 303. CONSENT TO TRIAL IN CERTAIN CRIMINAL**  
9 **ACTIONS.**

10 (a) AMENDMENTS TO TITLE 18.—(1) Section  
11 3401(b) of title 18, United States Code, is amended—

12 (A) by inserting “, other than a petty offense,”  
13 in the first sentence after “misdemeanor”; and

14 (B) by striking out the third sentence and in-  
15 serting in lieu thereof the following: “The magistrate  
16 judge may not proceed to try the case unless the de-  
17 fendant, after such explanation, expressly consents  
18 to be tried before the magistrate judge and expressly  
19 and specifically waives trial, judgment, and sentenc-  
20 ing by a judge of the district court. Any such con-  
21 sent and waiver shall be made in writing or orally  
22 on the record.”.

23 (2) Section 3401(g) of title 18, United States Code,  
24 is amended by striking the first sentence and inserting in  
25 lieu thereof the following: “The magistrate judge may, in

1 a petty offense case involving a juvenile, exercise all pow-  
2 ers granted to the district court under chapter 403 of this  
3 title.”.

4 (b) AMENDMENTS TO TITLE 28.—Section 636(a) of  
5 title 28, United States Code, is amended—

6 (1) by striking out “, and” at the end of para-  
7 graph (3) and inserting in lieu thereof a semicolon;

8 (2) by redesignating paragraph (4) as para-  
9 graph (5) and by striking out “or infraction” in  
10 such paragraph and inserting in lieu thereof “, other  
11 than a petty offense,”; and

12 (3) by inserting after paragraph (3) the follow-  
13 ing new paragraph:

14 “(4) the power to enter a sentence for a petty  
15 offense;”.

16 **SEC. 304. REMOVAL OF CASES UNDER THE EMPLOYEE RE-**  
17 **TIREMENT INCOME -- SECURITY ACT.**

18 Section 1445 of title 28, United States Code, is  
19 amended by adding at the end the following new sub-  
20 section:

21 “(d) A civil action in any State court may not be re-  
22 moved to any district court of the United States solely  
23 on the basis of concurrent jurisdiction over a claim under  
24 section 502(a)(1)(B) of the Employment Retirement In-  
25 come Security Act of 1974.”.

1 **SEC. 305. ELIMINATION OF IN-STATE PLAINTIFF IN DIVER-**  
2 **SITY -- JURISDICTION CASES.**

3 Section 1332 of title 28, United States Code, is  
4 amended by adding at the end the following new sub-  
5 section:

6 “(e) The original jurisdiction of the district courts  
7 otherwise conferred by this section may not be invoked if  
8 any plaintiff joined in the complaint is a citizen of the  
9 State in which is located the district court in which the  
10 suit is filed. For purposes of this subsection only, the Dis-  
11 trict of Wyoming shall be deemed located solely within the  
12 State of Wyoming. This subsection does not apply to or  
13 limit the applicability of the right of removal under section  
14 1441(a) of an action that would otherwise be within the  
15 original jurisdiction of the district courts.”.

16 **TITLE IV—JUDICIARY PERSON-**  
17 **NEL ADMINISTRATION, BENE-**  
18 **FITS, AND PROTECTIONS**

19 **SEC. 401. JUDICIAL RETIREMENT MATTERS.**

20 (a) AGE AND SERVICE REQUIREMENTS.—Section  
21 371 of title 28, United States Code, is amended—

22 (1) in subsection (a) by inserting “(1)” after  
23 “subsection (c)”;

24 (2) in subsection (b)(1) by inserting “(2)” after  
25 “subsection (c)”; and

26 (3) in subsection (c)—

- 1 (A) by inserting “(1)” after “(c)”;
- 2 (B) by striking out “this section” and in-
- 3 serting in lieu thereof “subsection (a)”;
- 4 (C) by adding at the end of that subsection
- 5 the following new paragraph:

6 “(2) The age and service requirements for retirement  
 7 under subsection (b)(1) are as follows:

<b>“Attained age:</b>	<b>Years of Service:</b>
60 .....	20
61 .....	19
62 .....	18
63 .....	17
64 .....	16
65 .....	15
66 .....	14
67 .....	13
68 .....	12
69 .....	11
70 .....	10”.

8 **SEC. 402. SENIOR JUDGE CERTIFICATION.**

9 (a) RETROACTIVE CREDIT FOR RESUMPTION OF SIG-  
 10 NIFICANT WORKLOAD.—Section 371(f)(3) of title 28,  
 11 United States Code, is amended by striking out “is there-  
 12 after ineligible to receive such a certification” and insert-  
 13 ing in lieu thereof “may thereafter receive a certification  
 14 for that year by satisfying the requirements of subpara-  
 15 graph (A), (B), (C), or (D) of paragraph (1) of this sub-  
 16 section in a subsequent year and attributing a sufficient  
 17 part of the work performed in such subsequent year to  
 18 the earlier year so that the work so attributed, when added  
 19 to the work performed during such earlier year, satisfies  
 20 the requirements for certification for that year. However,

1 a justice or judge may not receive credit for the same work  
2 for purposes of certification for more than one year.”.

3 (b) AGGREGATION OF CERTAIN WORK FOR PARTIAL  
4 YEARS.—Section 371(f)(1) of title 28, United States  
5 Code, is amended by adding at the end of subparagraph  
6 (D) the following: “In any year in which a justice or judge  
7 performs work described in this subparagraph for less  
8 than the full year, one-half of such work may be aggre-  
9 gated with work described in subparagraph (A), (B), or  
10 (C) of this paragraph for the purpose of the justice or  
11 judge satisfying the requirements of such subparagraph.”.

12 **SEC. 403. CONTRIBUTION RATE FOR SENIOR JUDGES**  
13 **UNDER THE JUDICIAL SURVIVORS’ ANNU-**  
14 **ITIES SYSTEM.**

15 Section 376(b)(1) of title 28, United States Code, is  
16 amended to read as follows:

17 “(b)(1) Every judicial official who files a written noti-  
18 fication of his or her intention to come within the purview  
19 of this section, in accordance with paragraph (1) of sub-  
20 section (a) of this section, shall be deemed thereby to con-  
21 sent and agree to having deducted and withheld from his  
22 or her salary a sum equal to 2.2 percent of that salary,  
23 and a sum equal to 3.5 percent of his or her retirement  
24 salary. The deduction from any retirement salary—

1           “(A) of a justice or judge of the United States  
2 retired from regular active service under section  
3 371(b) or section 372(a) of this title,

4           “(B) of a judge of the United States Court of  
5 Federal Claims retired under section 178 of this  
6 title, or

7           “(C) of a judicial official on recall under section  
8 155(b), 373(c)(4), 375, or 636(h) of this title,  
9 shall be an amount equal to 2.2 percent of retirement  
10 salary.”.

11 **SEC. 404. REFUND OF CONTRIBUTIONS FOR DECEASED DE-**  
12 **FERRED ANNUITANTS UNDER THE JUDICIAL**  
13 **SURVIVORS' ANNUITIES SYSTEM.**

14           Section 376(o)(1) of title 28, United States Code, is  
15 amended by deleting “or while receiving ‘retirement sal-  
16 ary,’” and inserting in lieu thereof “while receiving retire-  
17 ment salary, or after filing an election and otherwise com-  
18 plying with the conditions under subsection (b)(2) of this  
19 section.”.

20 **SEC. 405. DISABILITY RETIREMENT AND COST-OF-LIVING**  
21 **ADJUSTMENTS OF ANNUITIES FOR TERRI-**  
22 **TORIAL JUDGES.**

23           Section 373 of title 28, United States Code, is  
24 amended—

1           (1) by amending subsection (c)(4) to read as  
2 follows:

3           “(4) Any senior judge performing judicial duties pur-  
4 suant to recall under paragraph (2) of this subsection  
5 shall be paid, while performing such duties, the same com-  
6 pensation (in lieu of the annuity payable under this sec-  
7 tion) and the same allowances for travel and other ex-  
8 penses as a judge on active duty with the court being  
9 served.”;

10           (2) by amending subsection (e) to read as fol-  
11 lows:

12           “(e)(1) Any judge of the District Court of Guam, the  
13 District Court of the Northern Mariana Islands, or the  
14 District Court of the Virgin Islands who is not reappointed  
15 (as judge of such court) shall be entitled, upon attaining  
16 the age of 65 years or upon relinquishing office if the  
17 judge is then beyond the age of 65 years—

18           “(A) if the judicial service of such judge, con-  
19 tinuous or otherwise, aggregates fifteen years or  
20 more, to receive during the remainder of such  
21 judge’s life an annuity equal to the salary received  
22 when the judge left office, or

23           “(B) if such judicial service, continuous or oth-  
24 erwise, aggregated less than fifteen years, to receive  
25 during the remainder of such judge’s life an annuity

1 equal to that proportion of such salary which the ag-  
2 gregate number of such judge's years of service  
3 bears to fifteen.

4 “(2) Any judge of the District Court of Guam, the  
5 District Court of the Northern Mariana Islands, or the  
6 District Court of the Virgin Islands who has served at  
7 least five years, continuously or otherwise, and who retires  
8 or is removed upon the sole ground of mental or physical  
9 disability, shall be entitled to receive during the remainder  
10 of such judge's life an annuity equal to 40 percent of the  
11 salary received when the judge left office or, in the case  
12 of a judge who has served at least ten years, continuously  
13 or otherwise, an annuity equal to that proportion of such  
14 salary which the aggregate number of such judge's years  
15 of judicial service bears to fifteen.”; and

16 (3) by amending subsection (g) to read as fol-  
17 lows:

18 “(g) Any retired judge who is entitled to receive an  
19 annuity under this section shall be entitled to a cost-of-  
20 living adjustment in the amount computed as specified in  
21 section 8340(b) of title 5, except that in no case may the  
22 annuity payable to such retired judge, as increased under  
23 this subsection, exceed the salary of a judge in regular  
24 active service with the court on which the retired judge  
25 served before retiring.”.

1 **SEC. 406. FEDERAL JUDICIAL CENTER PERSONNEL MAT-**  
2 **TERS.**

3 Section 625(b) of title 28, United States Code, is  
4 amended—

5 (1) by inserting after “section 5316, title 5,  
6 United States Code” the following: “, except the Di-  
7 rector may fix the compensation of no more than 5  
8 percent of the positions of the Center at a level not  
9 to exceed the annual rate of basic pay of level IV of  
10 such pay rates”; and

11 (2) by deleting “Serve” and inserting in lieu  
12 thereof “Service”.

13 **SEC. 407. JUDICIAL ADMINISTRATIVE OFFICIALS RETIRE-**  
14 **MENT MATTERS.**

15 (a) CREDITABLE SERVICE FOR CERTAIN JUDICIAL  
16 ADMINISTRATIVE OFFICIALS.—

17 (1) Sections 611(d) and 627(e) of title 28,  
18 United States Code, are each amended by inserting  
19 “a congressional employee in the capacity of primary  
20 administrative assistant to a Member of Congress or  
21 in the capacity of staff director or chief counsel for  
22 the majority or the minority of a committee or sub-  
23 committee of the Senate or House of Representa-  
24 tives,” after “Congress,”.

25 (2)(A) Sections 611(b) and 627(c) of such title  
26 are each amended—

1 (i) by striking out “who has served at least  
2 fifteen years and” and inserting in lieu thereof  
3 “who has at least fifteen years of service and  
4 has”; and

5 (ii) in the first undesignated paragraph, by  
6 striking out “who has served at least ten  
7 years,” and inserting in lieu thereof “who has  
8 at least ten years of service,”.

9 (B) Sections 611(c) and 627(d) of such title are  
10 each amended—

11 (i) by striking out “served at least fifteen  
12 years,” and inserting in lieu thereof “at least  
13 fifteen years of service,”; and

14 (ii) by striking out “served less than fif-  
15 teen years,” and inserting in lieu thereof “less  
16 than fifteen years of service,”.

## 17 **TITLE V—CRIMINAL LAW**

### 18 **SEC. 501. NEW AUTHORITY FOR PROBATION AND PRETRIAL**

#### 19 **SERVICES OFFICERS.**

20 (a) PROBATION OFFICERS.—Section 3603 of title 18,  
21 United States Code, is amended—

22 (1) by striking “and” at the end of paragraph  
23 (8)(B);

24 (2) by redesignating paragraph (9) as para-  
25 graph (10); and

1           (3) by inserting after paragraph (8) the follow-  
2           ing new paragraph:

3           “(9) if approved by the district court, be au-  
4           thorized to carry firearms under such rules and reg-  
5           ulations as the Director of the Administrative Office  
6           of the United States Courts may prescribe; and”.

7           (b) PRETRIAL SERVICES OFFICERS.—Section 3154  
8           of title 18, United States Code, is amended—

9           (1) by redesignating paragraph (13) as para-  
10          graph (14); and

11          (2) by inserting after paragraph (12) the fol-  
12          lowing new paragraph:

13          “(13) If approved by the district court, be au-  
14          thorized to carry firearms under such rules and reg-  
15          ulations as the Director of the Administrative Office  
16          of the United States Courts may prescribe.”.

17   **SEC. 502. TRANSPORTATION EXPENSES FOR DEFENDANTS.**

18          The first sentence of section 4285 of title 18, United  
19          States Code is amended—

20          (1) by striking “to appear before the required  
21          court”;

22          (2) by inserting “(1)” after “fare for such  
23          transportation”;

24          (3) by inserting after “where his appearance is  
25          required” the following: “(2) to enable the defendant

1 to consult with his or her attorney, or (3) to return  
2 to the place of his or her arrest or bona fide resi-  
3 dence”;

4 (4) by inserting “lodging and” before “subsist-  
5 ence”;

6 (5) by inserting “during travel” after “ex-  
7 penses”; and

8 (6) by inserting after “to his destination,” the  
9 following: “during any proceedings at which his or  
10 her appearance is required, or during the time he or  
11 she is consulting with counsel,”.

12 **SEC. 503. FEDERAL SUBSTANCE ABUSE TREATMENT PRO-**  
13 **GRAM -- REAUTHORIZATION.**

14 Section 4(a) of the Contract Services for Drug De-  
15 pendent Federal Offenders Treatment Act of 1978 is  
16 amended by striking all after “there are authorized to be  
17 appropriated” and inserting in lieu thereof “for fiscal year  
18 1994 and each fiscal year thereafter such sums as may  
19 be necessary to carry out this Act.”.

20 **SEC. 504. TECHNICAL AMENDMENT TO FEDERAL RULES OF**  
21 **CRIMINAL - PROCEDURE.**

22 Rule 46(i)(1) of the Federal Rules of Criminal Proce-  
23 dure for the United States Courts is amended by striking  
24 “18 U.S.C. 3144” and inserting “18 U.S.C. 3142”.

1     **TITLE VI—CRIMINAL JUSTICE**  
2                     **ACT AMENDMENTS**

3     **SEC. 601. ESTABLISHMENT OF FEDERAL DEFENDER ORGA-**  
4                     **NIZATIONS.**

5             Paragraph (1) of subsection (g) of section 3006A of  
6 title 18, United States Code, is amended—

7                     (1) by striking out “A” at the beginning of the  
8 first sentence, and inserting in lieu thereof “Any”;

9                     (2) by striking out “a” before “part of a dis-  
10 trict” in the first sentence;

11                    (3) by striking out “in which at least two hun-  
12 dred persons annually require the appointment of  
13 counsel” in the first sentence;

14                    (4) by inserting after the first sentence “A de-  
15 fender organization shall be established for any dis-  
16 trict or part of a district or combination of dis-  
17 tricts—

18                             “(A) in which more than two hundred persons  
19 annually require the appointment of counsel; or

20                             “(B) where the Judicial Conference determines  
21 that—

22                                     “(i) such an organization would be cost ef-  
23 fective; or

1           “(ii) the interests of effective representa-  
2           tion otherwise require establishment of such an  
3           organization.”; and

4           (5) by striking out “aggregate the number of  
5           persons required to be represented to establish eligi-  
6           bility for” in the second sentence and inserting in  
7           lieu thereof “establish”.

8   **SEC. 602. PANEL ATTORNEY SUPPORT OFFICE.**

9           Subsection (a) of section 3006A of title 18, United  
10          States Code, is amended by adding at the end the follow-  
11          ing new paragraph:

12           “(4)(A) In any district which has not estab-  
13          lished a federal defender organization pursuant to  
14          subsection (g) of this section, the plan for the dis-  
15          trict may provide for the establishment of a panel  
16          attorney support office to assist the court in manag-  
17          ing the panel of attorneys who provide representa-  
18          tion pursuant to the plan for the district. The panel  
19          attorney support office shall provide advice to coun-  
20          sel appointed pursuant to this section, maintain a  
21          list of members of the panel, review vouchers for  
22          compensation pursuant to this section prior to sub-  
23          mission to judicial officers for approval, coordinate  
24          training of members of the panel, and perform any

1 other duties in administering the plan for the dis-  
2 trict which the court may delegate.

3 “(B) The district court shall appoint an admin-  
4 istrator to direct the panel attorney support office.  
5 The Administrator may be employed on a part-time  
6 or full-time basis. The Administrator may appoint  
7 employees in such number as may be approved by  
8 the Director of the Administrative Office of the  
9 United States Courts. Such employees shall be sub-  
10 ject to removal by the Administrator.”.

11 **SEC. 603. JUDICIAL CONFERENCE TO DETERMINE RATES**  
12 **OF COMPENSATION FOR ATTORNEYS.**

13 Subsection (d) of section 3006A of title 18, United  
14 States Code, is amended—

15 (1) in the first sentence of paragraph (1) by  
16 striking out all that follows “be compensated” and  
17 inserting in lieu thereof “at rates established by the  
18 Judicial Conference of the United States sufficient  
19 to cover reasonable overhead costs and to provide a  
20 reasonable hourly wage for time expended in court  
21 and for time expended out of court.”;

22 (2) by striking out the third and fourth sen-  
23 tences of paragraph (1); and

24 (3) by striking out all that appears in para-  
25 graph (2) and inserting in lieu thereof “The Judicial

1 Conference shall establish limits on the amounts of  
2 compensation for representation in misdemeanors,  
3 felonies, appeals, and other matters. Except as pro-  
4 vided in paragraph (3) of this subsection, the com-  
5 pensation to be paid to an attorney or to a bar asso-  
6 ciation or legal aid agency or community defender  
7 organization shall not exceed the amount established  
8 by the Judicial Conference for the type of proceed-  
9 ing in which representation was provided.”.

10 **SEC. 604. JUDICIAL CONFERENCE TO DETERMINE MAXI-**  
11 **MUM AMOUNTS OF COMPENSATION FOR**  
12 **SERVICES OTHER THAN COUNSEL.**

13 Subsection (e) of section 3006A of title 18, United  
14 States Code, is amended—

15 (1) in subparagraphs (A) and (B) of paragraph  
16 (2), by striking “\$300” and inserting in lieu thereof  
17 “an amount established by the Judicial Conference”;  
18 and

19 (2) in paragraph (3) by striking “\$1,000” and  
20 inserting in lieu thereof “an amount established by  
21 the Judicial Conference”.

22 **SEC. 605. COMPENSATION OF PARALEGALS AND LAW STU-**  
23 **DENTS.**

24 Paragraph (1) of subsection (d) of section 3006A of  
25 title 18, United States Code, is amended by adding at the

1 end thereof the following: “The services of paralegals and  
2 qualified law students furnishing services pursuant to this  
3 section shall be compensated or reimbursed at hourly rates  
4 established by the Judicial Conference.”.

5 **SEC. 606. TORT CLAIMS ACT AMENDMENTS RELATING TO**  
6 **LIABILITY OF FEDERAL PUBLIC DEFENDERS.**

7 Section 2680 of title 28, United States Code, is  
8 amended by adding at the end the following new sub-  
9 section:

10 “(o) Any claim for money damages for injury, loss  
11 of liberty, loss of property, or personal injury or death  
12 arising from malpractice or negligence of an officer or em-  
13 ployee of a Federal Public Defender Organization in fur-  
14 nishing representational services under section 3006A of  
15 title 18.”.

16 **TITLE VII—PLACES OF HOLDING**  
17 **COURT**

18 **SEC. 701. PLACE OF HOLDING COURT IN THE NORTHERN**  
19 **DISTRICT OF INDIANA.**

20 Section 94(a)(3) of title 28, United States Code, is  
21 amended to read as follows:

22 “(3) The Western Division comprises the coun-  
23 ties of Benton, Carroll, Jasper, Lake, Newton, Por-  
24 ter, Tippecanoe, Warren, and White.

1 Court for the Western Division shall be held at La-  
2 fayette and at a suitable site in Lake or Porter  
3 Counties.”.

4 **SEC. 702. PLACE OF HOLDING COURT IN THE SOUTHERN**  
5 **DISTRICT OF NEW YORK.**

6 The last sentence of section 112(b) of title 28, United  
7 States Code, is amended to read as follows: “Court for  
8 the Southern District shall be held at New York, White  
9 Plains, and in the Middletown-Wallkill area of Orange  
10 County, or such nearby location as may be deemed appro-  
11 priate.”.

12 **SEC. 703. PLACE OF HOLDING COURT IN EASTERN DIS-**  
13 **TRICT OF TEXAS.**

14 The second sentence of section 124(c)(3) of title 28,  
15 United States Code, is amended by inserting “and Plano”  
16 after “held at Sherman”.

17 **TITLE VIII—BANKRUPTCY**

18 **SEC. 801. BANKRUPTCY RULEMAKING.**

19 (a) METHODS OF PRESCRIBING BANKRUPTCY  
20 RULES.—Section 2073 of title 28, United States Code, is  
21 amended—

22 (1) in subsection (a)(2), by striking out “sec-  
23 tion 2072” and inserting in lieu thereof “sections  
24 2072 and 2075”;

1           (2) in subsection (d), by inserting “or 2075”  
2           after “2072”; and

3           (3) in subsection (e) by inserting “or 2075”  
4           after “2072”.

5           (b) EFFECTIVE DATE OF BANKRUPTCY RULES.—  
6 Section 2074(a) of title 28, United States Code, is amend-  
7 ed by inserting “or 2075” in the first sentence after  
8 “2072”.

9           (c) CONFORMING AMENDMENT.—Section 2075 of  
10 title 28, United States Code, is amended by striking out  
11 the third undesignated paragraph.

12 **SEC. 802. BANKRUPTCY ADMINISTRATOR PROGRAM.**

13           (a) PRESIDING OFFICER.—A bankruptcy adminis-  
14 trator appointed under section 302(d)(3)(I) of the Bank-  
15 ruptcy Judges, United States Trustees, and Family Farm-  
16 er Bankruptcy Act of 1986 (Public Law 99–554; 100  
17 Stat. 3132), as amended by section 317(a) of the Federal  
18 Courts Study Committee Implementation Act of 1990  
19 (Public Law 101–650; 104 Stat. 5115), or the bankruptcy  
20 administrator’s designee may preside at the meeting of  
21 creditors convened under section 341(a) of title 11, United  
22 States Code. The bankruptcy administrator or the bank-  
23 ruptcy administrator’s designee may preside at any meet-  
24 ing of equity security holders convened under section  
25 341(b) of title 11, United States Code.

1 (b) EXAMINATION OF THE DEBTOR.—The bank-  
2 ruptcy administrator or the bankruptcy administrator’s  
3 designee may examine the debtor at the meeting of credi-  
4 tors and may administer the oath required under section  
5 343 of title 11, United States Code.

6 **SEC. 803. DAMAGES FOR VIOLATION OF AUTOMATIC STAY.**

7 Section 362(h) of title 11, United States Code, is  
8 amended to read as follows:

9 “(h) An entity injured by any willful violation by any  
10 entity of a stay provided by this section shall recover from  
11 the entity violating the automatic stay actual damages, in-  
12 cluding costs and attorneys’ fees, and, in appropriate cir-  
13 cumstances, may recover punitive damages.”.

14 **TITLE IX—MISCELLANEOUS**

15 **SEC. 901. PROPERTY DAMAGE, THEFT, AND LOSS CLAIMS**  
16 **OF JURORS.**

17 Section 604 of title 28, United States Code, is  
18 amended by adding at the end thereof the following new  
19 subsection:

20 “(i) The Director may pay a claim by a person sum-  
21 moned to serve or serving as a grand juror or petit juror  
22 for loss of, or damage to, personal property that occurs  
23 incident to that person’s performance of duties in response  
24 to the summons or at the direction of an officer of the  
25 court. With respect to claims, the Director shall have the

1 authority granted to the head of an agency by section  
2 3721 of title 31 for the consideration of employees' per-  
3 sonal property claims. The Director shall prescribe guide-  
4 lines for the consideration of claims under this sub-  
5 section.”.

6 **SEC. 902. EXPANDED WORKERS' COMPENSATION COV-**  
7 **ERAGE FOR JURORS.**

8 WORKERS' COMPENSATION COVERAGE.—Paragraph  
9 (2) of section 1877(b) of title 28, United States Code, is  
10 amended—

11 (1) by striking “or” at the end of clause (C);  
12 and

13 (2) by inserting “, or (E) traveling to or from  
14 the courthouse pursuant to a jury summons or se-  
15 questration order, or as otherwise necessitated by  
16 order of the court” before the period at the end of  
17 clause (D).

18 **SEC. 903. EXEMPTION FROM JURY SERVICE.**

19 (a) MEMBERS OF THE ARMED FORCES.—Paragraph  
20 (6) of section 1863(b) of title 28, United States Code, is  
21 amended to read as follows:

22 “(6) specify that members of the Armed Forces  
23 of the United States serving on active duty are  
24 barred from service on the ground that they are ex-  
25 empt.”.

1 (b) CONFORMING AMENDMENT.—Section 1869 of  
2 title 28, United States Code, is amended by striking sub-  
3 section (i) and redesignating subsequent subsections ac-  
4 cordingly.

5 **SEC. 904. FULL-TIME STATUS OF COURT REPORTERS.**

6 Section 753(e) of title 28, United States Code, is  
7 amended by inserting after the first sentence the follow-  
8 ing: “For the purposes of subchapter III of chapter 83  
9 of title 5 and chapter 84 of such title, a reporter shall  
10 be considered a full-time employee during any pay period  
11 for which a reporter receives a salary at the annual salary  
12 rate fixed for a full-time reporter pursuant to the preced-  
13 ing sentence.”.

14 **SEC. 905. TECHNICAL AMENDMENT RELATING TO THE JU-**  
15 **DICIAL CONFERENCE.**

16 Section 331 of title 28, United States Code, is  
17 amended in the second paragraph by striking “at the an-  
18 nual judicial conference of the circuit held pursuant to sec-  
19 tion 333 of this title”.

20 **SEC. 906. TECHNICAL AMENDMENT RELATING TO THE DI-**  
21 **RECTOR AND DEPUTY DIRECTOR OF THE AD-**  
22 **MINISTRATIVE OFFICE.**

23 Section 601 of title 28, United States Code, is  
24 amended by adding at the end thereof the following: “The

1 Director and Deputy Director shall be deemed to be ‘offi-  
2 cers’ for the purposes of title 5.’.

3 **SEC. 907. TECHNICAL AMENDMENT RELATING TO RE-**  
4 **MOVAL.**

5 Section 1446(c)(1) of title 28, United States Code,  
6 is amended by striking “petitioner” and inserting in lieu  
7 thereof “defendant or defendants”.

8 **SEC. 908. TECHNICAL AMENDMENT TO FEDERAL JUDICIAL**  
9 **CENTER RETIREMENT PROVISIONS.**

10 Section 627(b) of title 28, United States Code, is  
11 amended—

12 (1) by inserting before “the professional staff”  
13 in the first sentence “Deputy Director,”; and

14 (2) by inserting after “(relating to civil service  
15 retirement),” in the first sentence “chapter 84 (re-  
16 lating to the Federal Employees’ Retirement Sys-  
17 tem),”.

18 **SEC. 909. VACANCY IN CLERK POSITION; ABSENCE OF**  
19 **CLERK; -- COMPENSATION OF DECEASED**  
20 **CLERK OF SUPREME COURT.**

21 (a) Section 954 of title 28, United States Code, is  
22 amended to read as follows:

23 “(a) When the office of clerk is vacant, the deputy  
24 clerks shall perform the duties of the clerk in the name  
25 of the last person who held that office. When the clerk

1 is incapacitated, absent or otherwise unavailable to per-  
2 form official duties, the deputy clerks shall perform the  
3 duties of the clerk in the name of the clerk. The court  
4 may designate a deputy clerk to act temporarily as clerk  
5 of the court in his or her own name.

6 “(b) The compensation of a deceased clerk of the Su-  
7 preme Court may be paid to the decedent’s personal rep-  
8 resentative until a successor is appointed and qualifies.”.

9 (b) The chapter analysis for chapter 57 of title 28,  
10 United States Code, relating to section 954 is amended  
11 to read as follows:

“954. Vacancy in clerk position; absence of clerk; compensation of deceased  
clerk of Supreme Court.”.

12 (c) The section title for section 954 of title 28, United  
13 States Code, is amended to read as follows:

14 **“§954. Vacancy in clerk position; absence of clerk;  
15 compensation of deceased clerk of Su-  
16 preme Court”.**

17 **SEC. 910. REGISTRATION OF JUDGMENTS FOR ENFORCE-  
18 MENT IN OTHER DISTRICTS.**

19 (a) Section 1963 of title 28, United States Code, is  
20 amended—

21 (1) in the first sentence—

22 (A) by striking “district court” and insert-  
23 ing in lieu thereof “court of appeals, district  
24 court, bankruptcy court,”; and

1 (B) by striking “such judgment” and in-  
2 serting in lieu thereof “the judgment”; and

3 (2) by adding after the last paragraph the fol-  
4 lowing:

5 “The procedure prescribed by this section is in addi-  
6 tion to other procedures provided by law for the enforce-  
7 ment of judgments.”.

8 (b) The chapter analysis for chapter 125 of title 28,  
9 United States Code, relating to section 1963 is amended  
10 to read as follows:

“1963. Registration of judgments for enforcement in other districts.”.

11 (c) The section title for section 1963 of title 28,  
12 United States Code, is amended to read as follows:

13 **“§ 1963. Registration of judgments for enforcement in**  
14 **other districts”.**

15 **SEC. 911. MAGISTRATE JUDGE POSITIONS AUTHORIZED IN**  
16 **THE DISTRICT COURTS OF GUAM AND THE**  
17 **NORTHERN MARIANA ISLANDS.**

18 Section 631 of title 28, United States Code, is  
19 amended—

20 (1) by striking the first two sentences of sub-  
21 section (a) and inserting in lieu thereof the follow-  
22 ing: “The judges of each United States district court  
23 and the district courts of the Virgin Islands, Guam,  
24 and the Northern Mariana Islands shall appoint  
25 United States magistrate judges in such numbers

1 and to serve at such locations within the judicial dis-  
2 tricts as the Conference may determine under this  
3 chapter. In the case of a magistrate judge appointed  
4 by the district court of the Virgin Islands, Guam, or  
5 the Northern Mariana Islands, this chapter shall  
6 apply as though the court appointing such a mag-  
7 istrate judge were a United States district court.”;  
8 and

9 (2) by inserting in the first sentence of para-  
10 graph (1) of subsection (b) after “Commonwealth of  
11 Puerto Rico,” the following: “the Territory of Guam,  
12 the Territory of the Northern Mariana Islands,”.

13 **SEC. 912. VENUE IN DIVERSITY CIVIL ACTIONS.**

14 Chapter 87 of title 28, United States Code (relating  
15 to district courts; venue) is amended—

16 (1) by amending subsection (a)(3) of section  
17 1391 by striking out “the defendants are” and in-  
18 serting in lieu thereof “any defendant is”; and

19 (2) in section 1392—

20 (A) by repealing subsection (a);

21 (B) by striking out the subsection designa-  
22 tor “(b)” for the remaining subsection; and

23 (C) by striking out “Defendants or prop-  
24 erty” in the chapter analysis and section title  
25 and inserting in lieu thereof “Property”.



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