

105TH CONGRESS
1ST SESSION

H. R. 2294

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

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 1997

Mr. COBLE (by request) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Federal Courts Improvement Act of 1997.”

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

TITLE I—FEDERAL COURTS STUDY COMMITTEE
RECOMMENDATIONS

Sec. 101. Parties' consent to bankruptcy judge's findings and conclusions of law.

TITLE II—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 201. Reimbursement of judiciary for civil and criminal forfeiture expenses.

Sec. 202. Transfer of retirement funds.

Sec. 203. Judicial Conference Foundation.

Sec. 204. Extension of the Judiciary Information Technology Fund.

Sec. 205. Bankruptcy Fees.

Sec. 206. Disposition of Miscellaneous Fees.

TITLE III—JUDICIAL PROCESS IMPROVEMENTS

Sec. 301. Removal of cases under the Employee Retirement Income Security Act.

Sec. 302. Elimination of in-state plaintiff diversity jurisdiction.

Sec. 303. Extension of statutory authority for magistrate judge positions to be established in the district courts of Guam and the Northern Mariana Islands.

Sec. 304. Bankruptcy administrator authority to appoint trustees, examiners and committee of creditors.

Sec. 305. Magistrate judge contempt authority.

Sec. 306. Consent to magistrate judge authority in petty offense cases and magistrate judge authority in misdemeanor cases involving juvenile defendants.

Sec. 307. Savings and loan data reporting requirements.

Sec. 308. Place of holding court in the eastern district of Texas.

Sec. 309. Federal substance abuse treatment program reauthorization.

Sec. 310. Reports concerning intercepted wire, oral, or electronic communications.

Sec. 311. Membership in circuit judicial councils.

TITLE IV—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS,
AND PROTECTIONS

Sec. 401. Judicial retirement matters.

Sec. 402. Disability retirement and cost-of-living adjustments of annuities for territorial judges.

Sec. 403. Federal Judicial Center personnel matters.

Sec. 404. Judicial administrative officials retirement matters.

Sec. 405. Judges' firearms training.

Sec. 406. Exemption from jury service.

Sec. 407. Expanded workers' compensation coverage for jurors.

Sec. 408. Property damage, theft, and loss claims of jurors.

Sec. 409. Annual leave limit for court unit executives.

TITLE V—CRIMINAL JUSTICE ACT AMENDMENTS

Sec. 501. Maximum amounts of compensation for attorneys.

Sec. 502. Maximum amounts of compensation for services other than counsel.

Sec. 503. Tort Claims Act amendments relating to liability of federal public defenders.

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

4 **SEC. 101. PARTIES' CONSENT TO BANKRUPTCY JUDGE'S**
5 **FINDINGS AND CONCLUSIONS OF LAW.**

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

8 “(c)(1) A bankruptcy judge may hear a proceeding
9 that is not a core proceeding but that is otherwise related
10 to a case under title 11. In such proceeding, the bank-
11 ruptcy judge shall submit proposed findings of fact and
12 conclusions of law to the district court, and any final order
13 or judgment shall be entered by the district judge after
14 considering the bankruptcy judge’s proposed findings and
15 conclusions and after reviewing de novo those matters to
16 which any party has timely and specifically objected. A
17 party shall be deemed to consent to the findings of fact
18 and conclusions of law submitted by a bankruptcy judge
19 unless the party files a timely objection. If a timely objec-
20 tion is not filed, the proposed findings of fact and conclu-
21 sions of law submitted by the bankruptcy judge shall be-
22 come final and the bankruptcy judge shall enter an appro-
23 priate order thereon.”.

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 inserting after paragraph (11) the fol-
8 lowing paragraph (12):

9 “(12)(A) In the fiscal year subsequent to the
10 fiscal year in which this Act is enacted and each fis-
11 cal year thereafter, an amount as specified in sub-
12 paragraph (9)(B) shall be transferred annually to
13 the Judiciary into the fund established under section
14 1931 of this title, for expenses incurred in—

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

19 “(ii) representation, pursuant to the provi-
20 sions of 18 U.S.C. 3006A, or 21 U.S.C. 848(q)
21 of offenders whose assets have been seized in
22 such forfeiture proceedings, to the extent that
23 such expenses of representation could have been
24 recovered through an order for payment or for

1 reimbursement of the Defender Services appro-
2 priation pursuant to 18 U.S.C. 3006A(f); and

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

7 “(B) The amount to be transferred—

8 “(i) shall be a portion of the total amount
9 to be transferred from the combined fiscal year
10 deposits into both the Fund and the Depart-
11 ment of the Treasury Asset Forfeiture Fund es-
12 tablished by section 9703 of title 31, United
13 States Code (hereafter referred to as ‘both
14 Funds’), which total shall not exceed the state-
15 ment of costs incurred by the Judiciary in pro-
16 viding the services identified in subparagraph
17 (A), as set forth by the Director of the Admin-
18 istrative Office of the United States Courts in
19 a report to the Attorney General and the Sec-
20 retary of the Treasury no later than 90 days
21 after the end of the fiscal year in which the ex-
22 penses were incurred: *Provided*, That the total
23 amount to be transferred from both Funds shall
24 not exceed \$50,000,000, or 10 percent of the
25 total combined deposits into both Funds, which-

1 ever is less: *Provided further*, That the propor-
2 tion of the amount transferred from the Fund
3 to the total amount to be transferred shall be
4 equal to the proportion of the fiscal year depos-
5 its into the Fund to the combined fiscal year
6 deposits in both Funds: *Provided further*, That
7 the total amount to be transferred from both
8 Funds may exceed the limits set out in this
9 subparagraph subject to the discretion of the
10 Attorney General and the Secretary of the
11 Treasury.

12 “(ii) shall be paid from revenues deposited
13 into the Fund during the fiscal year in which
14 the expenses were incurred and are not required
15 to be specified in appropriations Acts.”.

16 (b) Section 9703 of title 31, United States Code, is
17 amended—

18 (1) by redesignating section (p) as section (q);

19 and

20 (2) by inserting after section (o) the following
21 new section (p):

22 “(p) TRANSFER TO THE FEDERAL JUDICIARY.—

23 “(1) In the fiscal year subsequent to the fiscal
24 year in which this Act is enacted and each fiscal
25 year thereafter, an amount necessary to meet the

1 transfer requirements of section 524(c)(9) of title
2 28, United States Code, shall be transferred to the
3 Judiciary, and shall be subject to the same limita-
4 tions, terms, and conditions specified in that section
5 for transfers to the Judiciary from the Department
6 of Justice Asset Forfeiture Fund.”.

7 (c) Section 1931(a) of title 28 is amended by insert-
8 ing “or other judicial services including services provided
9 pursuant to 18 U.S.C. 3006A, or 21 U.S.C. 848(q)” after
10 “courts of the United States”.

11 **SEC. 202. TRANSFER OF RETIREMENT FUNDS.**

12 Section 377 of title 28, United States Code, is
13 amended by adding at the end thereof the following new
14 subsection:

15 “(p) Upon election by a bankruptcy judge or a mag-
16 istrate judge under subsection (f) of this section, all of
17 the accrued employer contributions and accrued interest
18 on those contributions made on behalf of the bankruptcy
19 judge or magistrate judge to the Civil Service Retirement
20 and Disability Fund as defined under section 8348 of title
21 5, United States Code, shall be transferred to the fund
22 established under section 1931 of title 28, United States
23 Code: *Provided, however,* That if the bankruptcy judge or
24 magistrate judge elects under section 2(c) of the Retire-
25 ment and Survivor’s Annuities for Bankruptcy Judges and

1 Magistrates Act of 1988, Public Law No. 100–659, to re-
2 ceive a retirement annuity under both this section and title
3 5, United States Code, only the accrued employer con-
4 tributions and accrued interest on such contributions
5 made on behalf of the bankruptcy judge or magistrate
6 judge for service credited under this section may be trans-
7 ferred.”.

8 **SEC. 203. JUDICIAL CONFERENCE FOUNDATION.**

9 (a) Chapter 15 of title 28 of the United States Code
10 is amended by inserting at the end of the following new
11 section:

12 **“§ 336. Judicial Conference Foundation**

13 “(a) There is established a private nonprofit corpora-
14 tion which shall be known as the Judicial Conference
15 Foundation (hereafter referred to as the ‘Foundation’)
16 and which shall be incorporated in the District of Colum-
17 bia. The purpose of the Foundation shall be to have sole
18 authority to accept and receive gifts or grants of real and
19 personal property and services made for the purpose of
20 aiding and facilitating the work of the Judicial Conference
21 of the United States (the ‘Conference’). The Foundation
22 shall not accept conditional or otherwise restricted gifts
23 or grants except gifts or grants that are designated for
24 the support of specific projects previously approved by the
25 Conference. The Foundation shall have no authority to ad-

1 minister or otherwise determine the use of gifts or grants
2 accepted under this section.

3 “(b) The business of the Foundation shall be con-
4 ducted by a Board that shall have seven members, includ-
5 ing a chair. Three members, including the chair, shall be
6 appointed by the Chief Justice of the United States, two
7 by the President pro tempore of the Senate, and two by
8 the Speaker of the House of Representatives. The term
9 of office of each member of the Board shall be 5 years,
10 except that the initial terms shall be 5 years for the chair,
11 one member appointed by the President pro tempore and
12 one member appointed by the Speaker, and 3 years for
13 the other member appointed by the Speaker, and two
14 years for the two other members appointed by the Chief
15 Justice. No person who is a Federal or State judge in reg-
16 ular active service or otherwise eligible to perform judicial
17 duties shall be eligible for membership on the Board.
18 Members of the Board shall serve without compensation,
19 but, upon authorization of the Director of the Administra-
20 tive Office of the United States Courts (the ‘Administra-
21 tive Office’), shall be reimbursed for actual and necessary
22 expenses incurred in the performance of their official du-
23 ties from funds available to the judiciary for salaries and
24 expenses or by the Foundation. The Administrative Office

1 may provide administrative support and facilities nec-
2 essary for the operation of the Board.

3 “(c) The Conference is authorized to administer and
4 use gifts or grants received by the Foundation under this
5 section and shall adopt policies and procedures for that
6 purpose. The gifts or grants shall be used to further the
7 goals of the Foundation as determined by the Conference.

8 “(d) Gifts or grants of money and proceeds from
9 sales of other property received as gifts or grants shall
10 be deposited in a separate fund in the Treasury of the
11 United States and disbursed on the order of the Board
12 and shall remain available without appropriation until ex-
13 pended.

14 “(e) The Board of the Foundation shall, not later
15 than October 1 of each year, submit to the Committee on
16 the Judiciary of the United States Senate and House of
17 Representatives a report with respect to gifts or grants
18 received under this section during the preceding 12-month
19 period, including the source of each gift or grant, the
20 amount of each gift or grant of cash or cash equivalent,
21 and a description of any other gift or grant. The Director
22 of the Administrative Office shall include in the annual
23 report of activities under section 604(a)(3) a description
24 of the purposes for which gifts or grants were used during
25 the year covered by the report.

1 “(f) For the purpose of Federal income, estate, and
2 gift taxes, property accepted under this section shall be
3 considered as a gift or bequest to or for the use of the
4 United States.”.

5 (b) The table of sections of chapter 15 of title 28
6 is amended by adding at the end thereof the following
7 entry:

“336. Judicial Conference Foundation.”.

8 **SEC. 204. EXTENSION OF THE JUDICIARY INFORMATION**
9 **TECHNOLOGY FUND.**

10 Section 612 of title 28, United States Code, is
11 amended—

12 (1) by striking out “equipment” and inserting
13 in lieu thereof “resources” each place it appears;

14 (2) by striking out subsection (l)

15 (3) by striking out subsection (f), and redesignating
16 each subsequent subsection accordingly; and

17 (4) in new subsection (g) by striking out sub-
18 section (3).

19 **SEC. 205. BANKRUPTCY FEES.**

20 Subsection (a) of section 1930 of title 28, United
21 States Code, is amended by adding the following new sub-
22 section:

23 “(7) In districts that are not part of a United
24 States trustee region as defined in section 581 of
25 this title, the Judicial Conference of the United

1 States may require the debtor in a case under chap-
2 ter 11 of title 11 to pay fees equal to those imposed
3 by paragraph 6 of this subsection. Such fees shall
4 be deposited as offsetting receipts to the fund estab-
5 lished under section 1931 of this title and shall re-
6 main available until expended.”.

7 **SEC. 206. DISPOSITION OF MISCELLANEOUS FEES.**

8 For fiscal year 1997 and thereafter, any portion of
9 miscellaneous fees collected as prescribed by the Judicial
10 Conference of the United States pursuant to section 1913,
11 1914(b), 1926(a), 1930(b), and 1932 of title 28, United
12 States Code, exceeding the amount of such fees estab-
13 lished on the date of enactment of this provision shall be
14 deposited into the special fund of the Treasury established
15 under section 1931 of title 28, United States Code.

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

18 **SEC. 301. REMOVAL OF CASES UNDER THE EMPLOYEE RE-**
19 **TIREMENT INCOME SECURITY ACT.**

20 Section 1445 of title 28, United States Code, is
21 amended by adding a new subsection:

22 “(e) A civil action in any State court may not be re-
23 moved to any district court of the United States solely
24 on the basis of concurrent jurisdiction over a claim under
25 section 1132(a)(1)(B) of title 29.”.

1 **SEC. 302. ELIMINATION OF IN-STATE PLAINTIFF DIVERSITY**
2 **JURISDICTION.**

3 Section 1332 of title 28, United States Code, is
4 amended by adding the following new subsection:

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

15 **SEC. 303. EXTENSION OF STATUTORY AUTHORITY FOR**
16 **MAGISTRATE JUDGE POSITIONS TO BE ES-**
17 **TABLISHED IN THE DISTRICT COURTS OF**
18 **GUAM AND THE NORTHERN MARIANA IS-**
19 **LANDS.**

20 Section 631 of title 28, United States Code, is
21 amended—

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

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

10 (2) by inserting in the first sentence of para-
11 graph (1) of subsection (b) after “Commonwealth of
12 Puerto Rico,” the language “the Territory of Guam,
13 the Commonwealth of the Northern Mariana Is-
14 lands,”.

15 **SEC. 304. BANKRUPTCY ADMINISTRATOR AUTHORITY TO**
16 **APPOINT TRUSTEES, EXAMINERS AND COM-**
17 **MITTEE OF CREDITORS.**

18 (a) APPOINTMENT OF TRUSTEES.—Until the amend-
19 ments made by subtitle A of title II of the Bankruptcy
20 Judges, United States Trustees, and Family Farmer
21 Bankruptcy Act of 1986 (28 U.S.C. 581 note; Public Law
22 99–554; 100 Stat. 3123) become effective in a judicial dis-
23 trict and apply to a case, a bankruptcy administrator ap-
24 pointed to serve in the district pursuant to section
25 302(d)(3)(I) of the Act, as amended by section 317(a) of

1 the Federal Courts Study Committee Implementation Act
2 of 1990 (Public Law 101–650; 104 Stat. 5115) shall ap-
3 point the trustees, examiners, and standing trustees not-
4 withstanding the references in those sections of title 11
5 to appointments by the court.

6 (b) STANDING TRUSTEES.—A bankruptcy adminis-
7 trator who has appointed a standing trustee pursuant to
8 subsection (a) of this section shall fix the standing trust-
9 ee’s maximum annual compensation and percentage fee,
10 subject to the limitations set out in sections 1202 and
11 1302 of title 11 as amended by section 110 of the Federal
12 Employee Pay Comparability Act of 1990 (Public Law
13 101–509, 104 Stat. 1427, 1452). The bankruptcy admin-
14 istrator shall fix the maximum annual compensation and
15 percentage fee notwithstanding the references in those sec-
16 tions of title 11 to the court’s authority to fix them.

17 (c) SERVICE AS TRUSTEE.—A bankruptcy adminis-
18 trator may serve as and perform the duties of a trustee
19 in a case under chapter 7 of title 11 if none of the mem-
20 bers of the panel of private trustees is disinterested and
21 willing to serve as trustee in the case. A bankruptcy ad-
22 ministrator may serve as and perform the duties of a
23 trustee or standing trustee in cases under chapter 12 or
24 chapter 13 of title 11 if necessary.

1 (d) APPOINTMENT OF COMMITTEES.—Until the
2 amendments made by subtitle A of title II of the Bank-
3 ruptcy Judges, United States Trustees and Family Farm-
4 er Bankruptcy Act of 1986 become effective in a judicial
5 district and apply to a case, the bankruptcy administrator
6 appointed to serve in the district shall appoint the commit-
7 tees of creditors and equity security holders provided in
8 section 1102 of title 11. The bankruptcy administrator
9 shall appoint the committees notwithstanding the ref-
10 erences in those sections of title 11 to appointments by
11 the court.

12 **SEC. 305. MAGISTRATE JUDGE CONTEMPT AUTHORITY.**

13 Section 636(e) of the Federal Magistrates Act (28
14 U.S.C. 636) is amended in its entirety as follows:

15 “(1) CONTEMPT AUTHORITY.—A United States
16 magistrate judge serving under this chapter shall
17 have within the territorial jurisdiction prescribed by
18 his or her appointment the power to exercise con-
19 tempt authority as set forth in this section.

20 “(2) SUMMARY CRIMINAL CONTEMPT AUTHOR-
21 ITY.—A magistrate judge shall have the power to
22 punish summarily by fine or imprisonment such con-
23 tempt of his or her authority constituting mis-
24 behavior of any person in the magistrate judge’s
25 presence so as to obstruct the administration of jus-

1 tice. The order of contempt shall be issued pursuant
2 to the Federal Rules of Criminal Procedure.

3 “(3) ADDITIONAL CRIMINAL CONTEMPT AU-
4 THORITY IN CIVIL CONSENT AND MISDEMEANOR
5 CASES.—In any case in which a United States mag-
6 istrate judge presides with the consent of the parties
7 under 28 U.S.C. 636(c), and in any misdemeanor
8 case proceeding before a magistrate judge under 18
9 U.S.C. 3401, the magistrate judge shall have the
10 power to punish by fine or imprisonment such crimi-
11 nal contempt constituting disobedience or resistance
12 to the magistrate judge’s lawful writ, process, order,
13 rule, decree, or command. Disposition of such con-
14 tempt shall be conducted upon notice and hearing
15 pursuant to the Federal Rules of Criminal Proce-
16 dure.

17 “(4) CIVIL CONTEMPT AUTHORITY IN CIVIL
18 CONSENT AND MISDEMEANOR CASES.—In any case
19 in which a United States magistrate judge presides
20 with the consent of the parties under 28 U.S.C.
21 636(c), and in any misdemeanor case proceeding be-
22 fore a magistrate judge under 18 U.S.C. 3401, the
23 magistrate judge may exercise the civil contempt au-
24 thority of the district court. This subsection shall
25 not be construed to limit the authority of a mag-

1 istrate judge to order sanctions pursuant to any
2 other statute, the Federal Rules of Civil Procedure,
3 or the Federal Rules of Criminal Procedure.

4 “(5) CRIMINAL CONTEMPT PENALTIES.—The
5 sentence imposed by a magistrate judge for any
6 criminal contempt set forth in subsections (2) and
7 (3) of this section shall not exceed the penalties for
8 a Class C misdemeanor as set forth in 18 U.S.C.
9 3581(b)(8) and 3571(b)(6).

10 “(6) CERTIFICATION OF OTHER CONTEMPTS TO
11 THE DISTRICT COURT.—Upon the commission of any
12 such act—

13 “(A) in any case in which a United States
14 magistrate judge presides with the consent of
15 the parties under 28 U.S.C. 636(c), or in any
16 misdemeanor case proceeding before a mag-
17 istrate judge under 18 U.S.C. 3401, that may,
18 in the opinion of the magistrate judge, con-
19 stitute a serious criminal contempt punishable
20 by penalties exceeding those set forth in sub-
21 section (5) of this section, or

22 “(B) in any other case or proceeding under
23 28 U.S.C. 636(a) or (b), or any other statute,
24 where—

1 “(i) the act committed in the mag-
2 istrate judge’s presence may, in the opin-
3 ion of the magistrate judge, constitute a
4 serious criminal contempt punishable by
5 penalties exceeding those set forth in sub-
6 section (5) of this section, or

7 “(ii) the act that constitutes a crimi-
8 nal contempt occurs outside the presence
9 of the magistrate judge, or

10 “(iii) the act constitutes a civil con-
11 tempt,

12 the magistrate judge shall forthwith certify the
13 facts to a district judge and may serve or cause
14 to be served upon any person whose behavior is
15 brought into question under this subparagraph
16 an order requiring such person to appear before
17 a district judge upon a day certain to show
18 cause why he or she should not be adjudged in
19 contempt by reason of the facts so certified.
20 The district judge shall thereupon hear the evi-
21 dence as to the act or conduct complained of
22 and, if it is such as to warrant punishment,
23 punish such person in the same manner and to
24 the same extent as for a contempt committed
25 before a district judge.

1 “(7) APPEALS OF MAGISTRATE JUDGE CON-
2 TEMPT ORDERS.—The appeal of an order of con-
3 tempt pursuant to this section shall be made to the
4 court of appeals in cases proceeding under 28
5 U.S.C. 636(c). In any other proceeding in which a
6 United States magistrate judge presides under 28
7 U.S.C. 636(a) or (b), 18 U.S.C. 3401 or any other
8 statute, the appeal of a magistrate judge’s summary
9 contempt order shall be made to the district court.”.

10 **SEC. 306. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN**
11 **PETTY OFFENSE CASES AND MAGISTRATE**
12 **JUDGE AUTHORITY IN MISDEMEANOR CASES**
13 **INVOLVING JUVENILE DEFENDANTS.**

14 (a) AMENDMENTS TO TITLE 18.—

15 (1) Section 3401(b) of title 18, United States
16 Code, is amended by striking “that is a class B mis-
17 demeanor charging a motor vehicle offense, a class
18 C misdemeanor, or an infraction,” after “petty of-
19 fense”.

20 (2) Section 3401(g) of title 18, United States
21 Code, is amended—

22 (A) by striking the first sentence and in-
23 serting in lieu thereof the following: “The mag-
24 istrate judge may, in a petty offense case in-
25 volving a juvenile, exercise all powers granted to

1 the district court under chapter 403 of this
2 title.”;

3 (B) by striking in the second sentence the
4 phrase “other class B or C misdemeanor case”
5 and inserting in lieu thereof “misdemeanor,
6 other than a petty offense,”; and

7 (C) by striking the last sentence.

8 (b) AMENDMENTS TO TITLE 28.—Section 636(a) of
9 title 28, United States Code, is amended by striking out
10 paragraphs (4) and (5) and inserting in lieu thereof the
11 following:

12 “(4) the power to enter a sentence for a petty
13 offense; and

14 “(5) the power to enter a sentence for a class
15 A misdemeanor in a case in which the parties have
16 consented.”.

17 **SEC. 307. SAVINGS AND LOAN DATA REPORTING REQUIRE-**
18 **MENTS.**

19 Section 604 of title 28, United States Code, is
20 amended in subsection (a) by striking out the second num-
21 ber paragraph (24).

1 **SEC. 308. PLACE OF HOLDING COURT IN THE EASTERN DIS-**
2 **TRICT OF TEXAS.**

3 (a) The second sentence of section 124(c)(3) of title
4 28, United States Code, is amended by inserting “and
5 Plano” after “held at Sherman”.

6 (b) Sections 83(b)(1) and 124(c)(6) of title 28,
7 United States Code, are amended by adding to the end
8 of the last sentence: “, and may be held anywhere within
9 the Federal courthouse in Texarkana that is located
10 astride the state line between Texas and Arkansas”.

11 **SEC. 309. FEDERAL SUBSTANCE ABUSE TREATMENT PRO-**
12 **GRAM REAUTHORIZATION.**

13 Section 4(a) of the Contract Services for Drug De-
14 pendent Federal Offenders Treatment Act of 1978 (Public
15 Law 95–537; 93 Stat. 2038), as amended, is amended by
16 striking all after “there are authorized to be appro-
17 priated” and inserting in lieu thereof “for fiscal year 1998
18 and each fiscal year thereafter such sums as may be nec-
19 essary to carry out this Act.”.

20 **SEC. 310. REPORTS CONCERNING INTERCEPTED WIRE,**
21 **ORAL, OR ELECTRONIC COMMUNICATIONS.**

22 Section 2519 of title 18, United States Code, is
23 amended—

24 (1) by striking “Administrative Office of the
25 United States Courts” each place it appears and in-
26 serting “United States Department of Justice”;

1 (2) by striking “Director of the Administrative
2 Office of the United States Courts” each place it ap-
3 pears and inserting “Attorney General of the United
4 States”; and

5 (3) by striking “Administrative Office” each
6 place it appears and inserting “United States De-
7 partment of Justice”.

8 **SEC. 311. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.**

9 Section 332 of title 28, United States Code, is
10 amended in subsection (a)—

11 (1) by striking out paragraph (1) and inserting
12 in lieu thereof the following:

13 “(1) The chief judge of each judicial circuit
14 shall call and preside at a meeting of the judicial
15 council of the circuit at least twice in each year and
16 at such places as he or she may designate. The
17 council shall consist of an equal number of circuit
18 judges (including the chief judge of the circuit) and
19 district judges, as such number is determined by
20 majority vote of all such judges of the circuit in reg-
21 ular active service.”;

22 (2) by striking out paragraph (3) and inserting
23 in lieu thereof the following:

24 “(3) Except for the chief judge of the circuit,
25 either judges in regular active service or judges re-

1 tired from regular active service under section
2 371(b) of this title may serve as members of the
3 council.”; and

4 (3) by striking out “retirement,” in paragraph
5 (5) and inserting in lieu thereof “retirement pursu-
6 ant to section 371(a) or section 372(a) of this
7 title.”.

8 **TITLE IV—JUDICIAL PERSON-**
9 **NEL ADMINISTRATION, BENE-**
10 **FITS, AND PROTECTIONS**

11 **SEC. 401. JUDICIAL RETIREMENT MATTERS.**

12 (a) Section 371 of title 28, United States Code, is
13 amended—

14 (1) in subsection (a) by inserting “(1)” after
15 “subsection (c)”;

16 (2) in subsection (b)(1) by inserting “(2)” after
17 “subsection (c)”;

18 (3) in subsection (c)—

19 (A) by inserting “(1)” after “(c)”;

20 (B) by striking out “this section” and in-
21 serting in lieu thereof “subsection (a)”;

22 (C) by adding at the end of that subsection
23 the following new paragraph:

24 “(2) The age and service requirements for re-
25 tirement under subsection (b)(1) are as follows:

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

1 **SEC. 402. DISABILITY RETIREMENT AND COST-OF-LIVING**
 2 **ADJUSTMENTS OF ANNUITIES FOR TERRI-**
 3 **TORIAL JUDGES.**

4 Section 373 of title 28, is amended—

5 (1) by amending subparagraph (c)(4) to read—

6 “(4) Any senior judge performing judicial du-
 7 ties pursuant to recall under paragraph (2) of this
 8 subsection shall be paid, while performing such du-
 9 ties, the same compensation (in lieu of the annuity
 10 payable under this section) and the same allowances
 11 for travel and other expenses as a judge on active
 12 duty with the court being served.”;

13 (2) by amending subsection (e) to read—

14 “(e)(1) Any judge of the District Court of Guam, the
 15 District Court of the Northern Mariana Islands, or the
 16 District Court of the Virgin Islands who is not reappointed
 17 (as judge of such court) shall be entitled, upon attaining
 18 the age of sixty-five years or upon relinquishing office if
 19 the judge is then beyond the age of sixty-five years, (i)
 20 if the judicial service of such judge, continuous or other-

1 wise, aggregates fifteen years or more, to receive during
2 the remainder of such judge’s life an annuity equal to the
3 salary received when the judge left office, or (ii) if such
4 judicial service, continuous or otherwise, aggregated less
5 than fifteen years, to receive during the remainder of such
6 judge’s life an annuity equal to that proportion of such
7 salary which the aggregate number of such judge’s years
8 of service bears to fifteen.

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

21 (3) amending subsection (g) to read—

22 “(g) Any retired judge who is entitled to receive an
23 annuity under this section shall be entitled to a cost-of-
24 living adjustment in the amount computed as specified in
25 section 8340(b) of title 5, except that in no case may the

1 annuity payable to such retired judge, as increased under
2 this subsection, exceed the salary of a judge in regular
3 active service with the court on which the retired judge
4 served before retiring.”.

5 **SEC. 403. FEDERAL JUDICIAL CENTER PERSONNEL MAT-**
6 **TERS.**

7 Section 625(b) of title 28 is amended—

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

14 (2) by deleting “Serve” and inserting in lieu
15 thereof “Service.”

16 **SEC. 404. JUDICIAL ADMINISTRATIVE OFFICIALS RETIRE-**
17 **MENT MATTERS.**

18 (a) CREDITABLE SERVICE FOR CERTAIN JUDICIAL
19 ADMINISTRATIVE OFFICIALS.—

20 (1) Sections 611(d) and 627(e) of title 28,
21 United States Code, are each amended—

22 (A) by inserting “a congressional employee
23 in the capacity of primary administrative assist-
24 ant to a Member of Congress or in the capacity
25 of staff director or chief counsel for the major-

1 ity or the minority of a committee or sub-
2 committee of the Senate or House of Represent-
3 ative,” after “Congress,”;

4 (B) in paragraph (b), by striking out “who
5 has served at least fifteen years and” and in-
6 serting in lieu thereof “who has at least fifteen
7 years of service and has”; and

8 (C) in the first undesignated paragraph, by
9 striking out “who has served at least ten
10 years,” and inserting in lieu thereof “who has
11 at least ten years of service,”.

12 (2) Sections 611(c) and 627(d) of such title are
13 each amended—

14 (A) by striking out “served at least fifteen
15 years,” and inserting in lieu thereof “at least
16 fifteen years of service,”; and

17 (B) by striking out “served less than fif-
18 teen years,” and inserting in lieu thereof “less
19 than fifteen years of service,”.

20 **SEC. 405. JUDGES’ FIREARMS TRAINING.**

21 (a) IN GENERAL.—Chapter 21 of title 28, United
22 States Code, is amended by adding at the end thereof the
23 following new section:

1 **“§ 464. Carrying of firearms by judicial officers**

2 “(a) A judicial officer of the United States is author-
3 ized to carry a firearm, whether concealed or not, under
4 regulations promulgated by the Judicial Conference of the
5 United States. The authority granted by this section shall
6 extend only to (1) those States in which the carrying of
7 firearms by judicial officers of the State is permitted by
8 State law, or (2) regardless of State law, to any place
9 where the judicial officer of the United States sits, resides,
10 or is present on official travel status.

11 “(b)(1) The regulations promulgated by the Judicial
12 Conference under subsection (a) shall—

13 “(A) require a demonstration of a judicial offi-
14 cer’s proficiency in the use and safety of firearms as
15 a prerequisite to the carrying of firearms under the
16 authority of this section; and

17 “(B) ensure that the carrying of a firearm by
18 a judicial officer under the protection of the United
19 States Marshals Service while away from United
20 States courthouses is consistent with Marshals Serv-
21 ice policy on the carrying of firearms by persons re-
22 ceiving such protection.

23 “(2) At the request of the Judicial Conference, the
24 Department of Justice and appropriate law enforcement
25 components of the Department shall assist the Judicial
26 Conference in developing and providing training to assist

1 judicial officers in security the proficiency referred to in
2 subsection (b)(1).

3 “(c) For purposes of this section, the term, ‘judicial
4 officer of the United States’ means—

5 “(1) a justice or judge of the United States as
6 defined in section 451 of this title in regular active
7 service or retired from regular active service;

8 “(2) a justice or judge of the United States who
9 has retired from the judicial office under section
10 371(a) of this title for—

11 “(A) a 1-year period following such jus-
12 tice’s or judge’s retirement; or

13 “(B) a longer period of time if approved by
14 the Judicial Conference of the United States
15 when exceptional circumstances warrant;

16 “(3) a United States bankruptcy judge;

17 “(4) a full-time or part-time United States
18 magistrate judge;

19 “(5) a judge of the United States Court of Fed-
20 eral Claims;

21 “(6) a judge of the United States District
22 Court of Guam;

23 “(7) a judge of the United States District
24 Court for the Northern Mariana Islands;

1 “(8) a judge of the United States District
2 Court of the Virgin Islands; or

3 “(9) an individual who is retired from one of
4 the judicial positions described under paragraphs (3)
5 through (8) to the extent provided for in regulations
6 of the Judicial Conference of the United States.

7 “(d) Notwithstanding section 46303(c)(1) of title 49,
8 nothing in this section authorizes a judicial officer of the
9 United States to carry a dangerous weapon on an aircraft
10 or other common carrier.”.

11 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
12 The table of sections for chapter 21 of title 28, United
13 States Code, is amended by adding at the end thereof the
14 following:

“464. Carrying of firearms by judicial officers.”.

15 (c) **EFFECTIVE DATE.**—The amendments made by
16 this section shall take effect upon the earlier of the pro-
17 mulgation of regulations by the Judicial Conference under
18 this section or one year after the date of the enactment
19 of this Act.

20 **SEC. 406. EXEMPTION FROM JURY SERVICE.**

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

24 “(6) specify that members of the Armed Forces
25 of the United States serving on active duty are

1 barred from service on the ground that they are ex-
2 empt.”.

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

7 **SEC. 407. EXPANDED WORKERS’ COMPENSATION COV-
8 ERAGE FOR JURORS.**

9 (a) WORKERS’ COMPENSATION COVERAGE.—Para-
10 graph (2) of section 1877(b) of title 28, United States
11 Code, is amended—

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

13 and

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

19 **SEC. 408. PROPERTY DAMAGE, THEFT, AND LOSS CLAIMS
20 OF JURORS.**

21 Section 604 of title 28, United States Code, is
22 amended by adding at the end thereof the following new
23 subsection:

24 “(i) The Director may pay a claim by a person sum-
25 moned to serve or serving as a grand juror or petit juror

1 for loss of, or damage to, personal property that occurs
 2 incident to that person’s performance of duties in response
 3 to the summons or at the direction of an officer of the
 4 court. With respect to claims, the Director shall have the
 5 authority granted to the head of an agency by section
 6 3721 of title 31 for consideration of employees’ personal
 7 property claims. The Director shall prescribe guidelines
 8 for the consideration of claims under this subsection.”.

9 **SEC. 409. ANNUAL LEAVE LIMIT FOR COURT UNIT EXECU-**
 10 **TIVES.**

11 Section 6304(f)(1) of title 5 is amended to add at
 12 the end thereof:

13 “(F) the Judicial Branch designated as a
 14 court unit executive position by the Judicial
 15 Conference of the United States.”.

16 **TITLE V—CRIMINAL JUSTICE**
 17 **ACT AMENDMENTS**

18 **SEC. 501. MAXIMUM AMOUNTS OF COMPENSATION FOR AT-**
 19 **TORNEYS.**

20 Paragraph (2) of subsection (d) of section 3006A of
 21 title 18, United States Code, is amended—

22 (1) in the first sentence—

23 (A) by striking out “3,500” and inserting
 24 “5,000”;

1 (B) by striking out “1,000” and inserting
2 “1,500”;

3 (2) in the second sentence by striking out
4 “2,500” and inserting “3,600”;

5 (3) in the third sentence—

6 (A) by striking out “750” and inserting
7 “1,100”;

8 (B) by striking out “2,500” and inserting
9 “3,600”;

10 (4) inserting after the second sentence, a new
11 sentence: “For representation of a petitioner in a
12 non-capital habeas corpus proceeding, the compensa-
13 tion for each attorney shall not exceed the amount
14 applicable to a felony in this paragraph for represen-
15 tation of a defendant before a United States mag-
16 istrate or the district court, or both; for representa-
17 tion of such petitioner in an appellate court, the
18 compensation for each attorney shall not exceed the
19 amount applicable for representation of a defendant
20 in an appellate court”; and

21 (5) in the final sentence by striking out “750”
22 and inserting “1,100”.

1 **SEC. 502. MAXIMUM AMOUNTS OF COMPENSATION FOR**
2 **SERVICES OTHER THAN COUNSEL.**

3 (a) Paragraph (2) of subsection (e) of section 3006A
4 of title 18, United States Code, is amended—

5 (1) in subparagraph (A) by striking out “300”
6 and inserting “450”; and

7 (2) in subparagraph (B) by striking out “300”
8 and inserting “450”.

9 (b) Paragraph (3) of subsection (e) in the first sen-
10 tence by striking out “1,000” and inserting “1,500”.

11 **SEC. 503. TORT CLAIMS ACT AMENDMENTS RELATING TO**
12 **LIABILITY OF FEDERAL PUBLIC DEFENDERS**

13 Section 2680 of title 28, United States Code, is
14 amended by adding the following new subsection (o):

15 “(o) Any claim for money damages for injury, loss
16 of liberty, loss of property, or personal injury or death
17 arising from malpractice or negligence of an officer or em-
18 ployee of a Federal Public Defender Organization in fur-
19 nishing representational services under section 3006A of
20 title 18, United States Code.”.

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