

Union Calendar No. 247

105TH CONGRESS
2D Session

H. R. 2294

[Report No. 105-437]

A BILL

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

MARCH 12, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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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

MARCH 12, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on July 30, 1997]

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 1998”.*

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

Sec. 1. Short title and table of contents.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 101. Reimbursement of judiciary for civil and criminal forfeiture expenses.

Sec. 102. Transfer of retirement funds.

Sec. 103. Extension of Judiciary Information Technology Fund.

Sec. 104. Bankruptcy fees.

Sec. 105. Disposition of miscellaneous fees.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Extension of statutory authority for magistrate judge positions to be established in the district courts of Guam and the Northern Mariana Islands.

Sec. 202. Magistrate judge contempt authority.

Sec. 203. Consent to magistrate judge authority in petty offense cases and magistrate judge authority in misdemeanor cases involving juvenile defendants.

Sec. 204. Savings and loan data reporting requirements.

Sec. 205. Place of holding court in the Eastern District of Texas.

Sec. 206. Federal substance abuse treatment program reauthorization.

Sec. 207. Membership in circuit judicial councils.

Sec. 208. Sunset of civil justice expense and delay reduction plans.

Sec. 209. Repeal of Court of Federal Claims filing fee.

Sec. 210. Technical bankruptcy correction.

Sec. 211. Renumbering of bankruptcy court fee schedule.

**TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS,
AND PROTECTIONS**

Sec. 301. Judicial retirement matters.

Sec. 302. Disability retirement and cost-of-living adjustments of annuities for territorial judges.

Sec. 303. Federal Judicial Center personnel matters.

Sec. 304. Judicial administrative officials retirement matters.

Sec. 305. Judges' firearms training.

Sec. 306. Exemption from jury service.

Sec. 307. Expanded workers' compensation coverage for jurors.

Sec. 308. Property damage, theft, and loss claims of jurors.

Sec. 309. Annual leave limit for court unit executives.

Sec. 310. Transfer of county to Middle District of Pennsylvania.

Sec. 311. Creation of two divisions in Eastern District of Louisiana.

Sec. 312. District judges for the Florida district courts.

Sec. 313. Change in composition of divisions in Western District of Tennessee.

Sec. 314. Payments to military survivors benefits plan.

Sec. 315. Creation of certifying officers in the judicial branch.

Sec. 316. Authority to prescribe fees for technology resources in the courts.

TITLE IV—CRIMINAL JUSTICE ACT AMENDMENTS

Sec. 401. Maximum amounts of compensation for attorneys.

Sec. 402. Maximum amounts of compensation for services other than counsel.

Sec. 403. Tort Claims Act amendment relating to liability of Federal public defenders.

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

3 **SEC. 101. REIMBURSEMENT OF JUDICIARY FOR CIVIL AND**
4 **CRIMINAL FORFEITURE EXPENSES.**

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

7 *(1) by inserting after paragraph (11) the follow-*
8 *ing paragraph (12):*

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

15 *“(i) adjudication of civil and criminal forfeiture*
16 *proceedings that result in deposits into the Fund (ex-*
17 *cept the expense of salaries of judges);*

18 *“(ii) representation, pursuant to the provisions*
19 *of section 3006A of title 18, section 408(q) of the Con-*
20 *trolled Substances Act (21 U.S.C. 848(q)) of offenders*
21 *whose assets have been seized in such forfeiture pro-*
22 *ceedings, to the extent that such expenses of represen-*
23 *tation could have been recovered through an order for*
24 *payment or for reimbursement of the Defender Serv-*

1 *ices appropriation pursuant to section 3006A(f) of*
2 *title 18; and*

3 *“(iii) supervision by United States probation of-*
4 *ficers of offenders under home detention or other forms*
5 *of confinement outside of Bureau of Prison facilities.*

6 *“(B) The amount to be transferred—*

7 *“(i) shall be a portion of the total amount to be*
8 *transferred from the combined fiscal year deposits*
9 *into both the Fund and the Department of the Treas-*
10 *ury Asset Forfeiture Fund established by section 9703*
11 *of title 31, United States Code (hereafter referred to*
12 *as ‘both Funds’), which total shall not exceed the*
13 *statement of costs incurred by the Judiciary in pro-*
14 *viding the services identified in subparagraph (A), as*
15 *set forth by the Director of the Administrative Office*
16 *of the United States Courts in a report to the Attor-*
17 *ney General and the Secretary of the Treasury no*
18 *later than 90 days after the end of the fiscal year in*
19 *which the expenses were incurred except that—*

20 *“(I) the total amount to be transferred from*
21 *both Funds shall not exceed \$50,000,000, or 10*
22 *percent of the total combined deposits into both*
23 *Funds, whichever is less;*

24 *“(II) the proportion of the amount trans-*
25 *ferred from the Fund to the total amount to be*

1 *transferred shall be equal to the proportion of the*
2 *fiscal year deposits into the Fund to the com-*
3 *bined fiscal year deposits in both Funds; and*

4 *“(III) the total amount to be transferred*
5 *from both Funds may exceed the limits set out*
6 *in this subparagraph, subject to the discretion of*
7 *the Attorney General and the Secretary of the*
8 *Treasury.*

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

13 *(b) Section 9703 of title 31, United States Code, is*
14 *amended—*

15 *(1) by redesignating subsection (p) as subsection*
16 *(q); and*

17 *(2) by inserting after subsection (o) the following*
18 *new subsection:*

19 *“(p) TRANSFER TO THE FEDERAL JUDICIARY.—In the*
20 *fiscal year subsequent to the fiscal year in which this sub-*
21 *section is enacted and each fiscal year thereafter, an*
22 *amount necessary to meet the transfer requirements of sec-*
23 *tion 524(c)(9) of title 28 shall be transferred to the Judici-*
24 *ary, and shall be subject to the same limitations, terms, and*
25 *conditions specified in that section for transfers to the Judi-*

1 *ciary from the Department of Justice Asset Forfeiture*
2 *Fund.”.*

3 *(c) Section 1931(a) of title 28, United States Code, is*
4 *amended by inserting “or other judicial services including*
5 *services provided pursuant to section 3006A of title 18 or*
6 *section 409(q) of the Controlled Substances Act (21 U.S.C.*
7 *848(q))” after “courts of the United States”.*

8 **SEC. 102. TRANSFER OF RETIREMENT FUNDS.**

9 *Section 377 of title 28, United States Code, is amended*
10 *by adding at the end thereof the following new subsection:*

11 *“(p) Upon election by a bankruptcy judge or a mag-*
12 *istrate judge under subsection (f) of this section, all of the*
13 *accrued employer contributions and accrued interest on*
14 *those contributions made on behalf of the bankruptcy judge*
15 *or magistrate judge to the Civil Service Retirement and*
16 *Disability Fund as defined under section 8348 of title 5,*
17 *shall be transferred to the fund established under section*
18 *1931 of this title, that if the bankruptcy judge or magistrate*
19 *judge elects under section 2(c) of the Retirement and Sur-*
20 *vivor’s Annuities for Bankruptcy Judges and Magistrates*
21 *Act of 1988 (Public Law No. 100–659), to receive a retire-*
22 *ment annuity under both this section and title 5, only the*
23 *accrued employer contributions and accrued interest on*
24 *such contributions made on behalf of the bankruptcy judge*

1 *or magistrate judge for service credited under this section*
2 *may be transferred.”.*

3 **SEC. 103. EXTENSION OF JUDICIARY INFORMATION TECH-**
4 **NOLOGY FUND.**

5 *Section 612 of title 28, United States Code, is amend-*
6 *ed—*

7 *(1) by striking “equipment” each place it ap-*
8 *pears and inserting “resources”;*

9 *(2) by striking subsection (f) and redesignating*
10 *subsequent subsections accordingly;*

11 *(3) in subsection (g), as so redesignated, by strik-*
12 *ing paragraph (3); and*

13 *(4) in subsection (i), as so redesignated,—*

14 *(A) by striking “Judiciary” each place it*
15 *appears and inserting “judiciary”;*

16 *(B) by striking “subparagraph (c)(1)(B)”*
17 *and inserting “subsection (c)(1)(B)”;* and

18 *(C) by striking “under (c)(1)(B)” and in-*
19 *serting “under subsection (c)(1)(B)”.*

20 **SEC. 104. BANKRUPTCY FEES.**

21 *Subsection (a) of section 1930 of title 28, United States*
22 *Code, is amended by adding at the end the following new*
23 *paragraph:*

24 *“(7) In districts that are not part of a United*
25 *States trustee region as defined in section 581 of this*

1 (1) *by striking the first two sentences of sub-*
2 *section (a) and inserting the following: “The judges of*
3 *each United States district court and the district*
4 *courts of the Virgin Islands, Guam, and the Northern*
5 *Mariana Islands shall appoint United States mag-*
6 *istrate judges in such numbers and to serve at such*
7 *locations within the judicial districts as the Judicial*
8 *Conference may determine under this chapter. In the*
9 *case of a magistrate judge appointed by the district*
10 *court of the Virgin Islands, Guam, or the Northern*
11 *Mariana Islands, this chapter shall apply as though*
12 *the court appointing such a magistrate judge were a*
13 *United States district court.”; and*

14 (2) *by inserting in the first sentence of para-*
15 *graph (1) of subsection (b) after “Commonwealth of*
16 *Puerto Rico,” the following: “the Territory of Guam,*
17 *the Commonwealth of the Northern Mariana Is-*
18 *lands,”.*

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

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

22 “(e) **CONTEMPT AUTHORITY.**—

23 “(1) **IN GENERAL.**—*A United States magistrate*
24 *judge serving under this chapter shall have within the*
25 *territorial jurisdiction prescribed by his or her ap-*

1 *pointment the power to exercise contempt authority*
2 *as set forth in this section.*

3 “(2) *SUMMARY CRIMINAL CONTEMPT AUTHOR-*
4 *ITY.—A magistrate judge shall have the power to*
5 *punish summarily by fine or imprisonment such con-*
6 *tempt of his or her authority constituting misbehavior*
7 *of any person in the magistrate judge’s presence so as*
8 *to obstruct the administration of justice. The order of*
9 *contempt shall be issued pursuant to the Federal*
10 *Rules of Criminal Procedure.*

11 “(3) *ADDITIONAL CRIMINAL CONTEMPT AUTHOR-*
12 *ITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In*
13 *any case in which a United States magistrate judge*
14 *presides with the consent of the parties under sub-*
15 *section (c) of this section, and in any misdemeanor*
16 *case proceeding before a magistrate judge under sec-*
17 *tion 3401 of title 18, the magistrate judge shall have*
18 *the power to punish by fine or imprisonment such*
19 *criminal contempt constituting disobedience or resist-*
20 *ance to the magistrate judge’s lawful writ, process,*
21 *order, rule, decree, or command. Disposition of such*
22 *contempt shall be conducted upon notice and hearing*
23 *pursuant to the Federal Rules of Criminal Procedure.*

24 “(4) *CIVIL CONTEMPT AUTHORITY IN CIVIL CON-*
25 *SENT AND MISDEMEANOR CASES.—In any case in*

1 *which a United States magistrate judge presides with*
2 *the consent of the parties under subsection (c) of this*
3 *section, and in any misdemeanor case proceeding be-*
4 *fore a magistrate judge under section 3401 of title 18,*
5 *the magistrate judge may exercise the civil contempt*
6 *authority of the district court. This subsection shall*
7 *not be construed to limit the authority of a mag-*
8 *istrate judge to order sanctions pursuant to any other*
9 *statute, the Federal Rules of Civil Procedure, or the*
10 *Federal Rules of Criminal Procedure.*

11 “(5) *CRIMINAL CONTEMPT PENALTIES.—The sen-*
12 *tence imposed by a magistrate judge for any criminal*
13 *contempt provided for in paragraphs (2) and (3)*
14 *shall not exceed the penalties for a Class C mis-*
15 *demeanor as set forth in sections 3581(b)(8) and*
16 *3571(b)(6) of title 18.*

17 “(6) *CERTIFICATION OF OTHER CONTEMPTS TO*
18 *THE DISTRICT COURT.—Upon the commission of any*
19 *such act—*

20 “(A) *in any case in which a United States*
21 *magistrate judge presides with the consent of the*
22 *parties under subsection (c) of this section, or in*
23 *any misdemeanor case proceeding before a mag-*
24 *istrate judge under section 3401 of title 18, that*
25 *may, in the opinion of the magistrate judge, con-*

1 *stitute a serious criminal contempt punishable*
2 *by penalties exceeding those set forth in para-*
3 *graph (5) of this subsection, or*

4 *“(B) in any other case or proceeding under*
5 *subsection (a) or (b) of this section, or any other*
6 *statute, where—*

7 *“(i) the act committed in the mag-*
8 *istrate judge’s presence may, in the opinion*
9 *of the magistrate judge, constitute a serious*
10 *criminal contempt punishable by penalties*
11 *exceeding those set forth in paragraph (5) of*
12 *this subsection, or*

13 *“(ii) the act that constitutes a criminal*
14 *contempt occurs outside the presence of the*
15 *magistrate judge, or*

16 *“(iii) the act constitutes a civil con-*
17 *tempt,*

18 *the magistrate judge shall forthwith certify the*
19 *facts to a district judge and may serve or cause*
20 *to be served upon any person whose behavior is*
21 *brought into question under this paragraph an*
22 *order requiring such person to appear before a*
23 *district judge upon a day certain to show cause*
24 *why he or she should not be adjudged in con-*
25 *tempt by reason of the facts so certified. The dis-*

1 *strict judge shall thereupon hear the evidence as*
2 *to the act or conduct complained of and, if it is*
3 *such as to warrant punishment, punish such per-*
4 *son in the same manner and to the same extent*
5 *as for a contempt committed before a district*
6 *judge.*

7 “(7) *APPEALS OF MAGISTRATE JUDGE CONTEMPT*
8 *ORDERS.—The appeal of an order of contempt pursu-*
9 *ant to this section shall be made to the court of ap-*
10 *peals in cases proceeding under subsection (c) of this*
11 *section. In any other proceeding in which a United*
12 *States magistrate judge presides under subsection (a)*
13 *or (b) of this section, section 3401 of title 18, or any*
14 *other statute, the appeal of a magistrate judge’s sum-*
15 *mary contempt order shall be made to the district*
16 *court.”.*

17 **SEC. 203. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN**
18 **PETTY OFFENSE CASES AND MAGISTRATE**
19 **JUDGE AUTHORITY IN MISDEMEANOR CASES**
20 **INVOLVING JUVENILE DEFENDANTS.**

21 (a) *AMENDMENTS TO TITLE 18.—*

22 (1) *Section 3401(b) of title 18, United States*
23 *Code, is amended by striking “that is a class B mis-*
24 *demeanor charging a motor vehicle offense, a class C*
25 *misdemeanor, or an infraction,” after “petty offense”.*

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

3 (A) *by striking the first sentence and insert-*
4 *ing the following: “The magistrate judge may, in*
5 *a petty offense case involving a juvenile, exercise*
6 *all powers granted to the district court under*
7 *chapter 403 of this title.”;*

8 (B) *in the second sentence by striking the*
9 *phrase “other class B or C misdemeanor case”*
10 *and inserting “misdemeanor, other than a petty*
11 *offense,”; and*

12 (C) *by striking the last sentence.*

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

16 “(4) *the power to enter a sentence for a petty of-*
17 *fense; and*

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

21 **SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIRE-**
22 **MENTS.**

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

1 **SEC. 205. PLACE OF HOLDING COURT IN THE EASTERN DIS-**
2 **TRICT OF TEXAS.**

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

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

12 **SEC. 206. FEDERAL SUBSTANCE ABUSE TREATMENT PRO-**
13 **GRAM REAUTHORIZATION.**

14 *Section 4(a) of the Contract Services for Drug Depend-*
15 *ent Federal Offenders Treatment Act of 1978 (Public Law*
16 *95–537; 92 Stat. 2038; 18 U.S.C. 3672 note) is amended*
17 *by striking all that follows “there are authorized to be ap-*
18 *propriated” and inserting “for fiscal year 1998 and each*
19 *fiscal year thereafter such sums as may be necessary to*
20 *carry out this Act.”.*

21 **SEC. 207. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.**

22 *Section 332(a) of title 28, United States Code, is*
23 *amended—*

24 (1) *by striking paragraph (1) and inserting the*
25 *following:*

1 “(1) *The chief judge of each judicial circuit shall call and*
2 *preside at a meeting of the judicial council of the circuit*
3 *at least twice in each year and at such places as he or she*
4 *may designate. The council shall consist of an equal number*
5 *of circuit judges (including the chief judge of the circuit)*
6 *and district judges, as such number is determined by major-*
7 *ity vote of all such judges of the circuit in regular active*
8 *service.”;*

9 (2) *by striking paragraph (3) and inserting the*
10 *following:*

11 “(3) *Except for the chief judge of the circuit, either*
12 *judges in regular active service or judges retired from regu-*
13 *lar active service under section 371(b) of this title may serve*
14 *as members of the council.”; and*

15 (3) *by striking “retirement,” in paragraph (5)*
16 *and inserting “retirement pursuant to section 371(a)*
17 *or section 372(a) of this title,”.*

18 **SEC. 208. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY**

19 **REDUCTION PLANS.**

20 *Section 103(b)(2)(A) of the Civil Justice Reform Act*
21 *of 1990 (Public Law 101–650; 104 Stat. 5096; 28 U.S.C.*
22 *471 note), as amended by Public Law 105–53 (111 Stat.*
23 *1173), is amended by inserting “471,” after “sections”.*

1 **SEC. 209. REPEAL OF COURT OF FEDERAL CLAIMS FILING**
 2 **FEE.**

3 *Section 2520 of title 28, United States Code, and the*
 4 *item relating to such section in the table of contents for*
 5 *chapter 165 of such title, are repealed.*

6 **SEC. 210. TECHNICAL BANKRUPTCY CORRECTION.**

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

10 **SEC. 211. RENUMBERING OF BANKRUPTCY COURT FEE**
 11 **SCHEDULE.**

12 *Section 406(b) of the Departments of Commerce, Jus-*
 13 *tice, and State, the Judiciary, and Related Agencies Appro-*
 14 *priations Act, 1990 (Public Law 101–162; 103 Stat. 1016;*
 15 *28 U.S.C. 1931 note) is amended in the first sentence by*
 16 *striking “for any service enumerated after item 18” and*
 17 *inserting “for any fee implemented after November 21,*
 18 *1989”.*

19 **TITLE III—JUDICIAL PERSON-**
 20 **NEL ADMINISTRATION, BENE-**
 21 **FITS, AND PROTECTIONS**

22 **SEC. 301. JUDICIAL RETIREMENT MATTERS.**

23 *Section 371 of title 28, United States Code, is amend-*
 24 *ed—*

25 *(1) in subsection (a) by inserting “(1)” after*
 26 *“subsection (c)”;*

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

3 (3) in subsection (c)—

4 (A) by inserting “(1)” after “(c)”;
 5 (B) by striking “this section” and inserting

6 “subsection (a)”; and
 7 (C) by adding at the end the following new

8 paragraph:
 9 “(2) The age and service requirements for retirement

10 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”.

11 **SEC. 302. DISABILITY RETIREMENT AND COST-OF-LIVING**
 12 **ADJUSTMENTS OF ANNUITIES FOR TERRI-**
 13 **TORIAL JUDGES.**

14 Section 373 of title 28, United States Code, is amend-
 15 ed—

16 (1) by amending subsection (c)(4) to read as fol-
 17 lows:

18 “(4) Any senior judge performing judicial duties pur-
 19 suant to recall under paragraph (2) of this subsection shall
 20 be paid, while performing such duties, the same compensa-

1 *tion (in lieu of the annuity payable under this section) and*
2 *the same allowances for travel and other expenses as a judge*
3 *on active duty with the court being served.”;*

4 (2) *by amending subsection (e) to read as fol-*
5 *lows:*

6 “(e)(1) *Any judge of the District Court of Guam, the*
7 *District Court of the Northern Mariana Islands, or the Dis-*
8 *trict Court of the Virgin Islands who is not reappointed*
9 *(as judge of such court) shall be entitled, upon attaining*
10 *the age of 65 years or upon relinquishing office if the judge*
11 *is then beyond the age of 65 years—*

12 “(A) *if the judicial service of such judge, contin-*
13 *uous or otherwise, aggregates 15 years or more, to re-*
14 *ceive during the remainder of such judge’s life an an-*
15 *nuity equal to the salary received when the judge left*
16 *office; or*

17 “(B) *if such judicial service, continuous or other-*
18 *wise, aggregated less than 15 years, to receive during*
19 *the remainder of such judge’s life an annuity equal*
20 *to that proportion of such salary which the aggregate*
21 *number of such judge’s years of service bears to 15.*

22 “(2) *Any judge of the District Court of Guam, the Dis-*
23 *trict Court of the Northern Mariana Islands, or the District*
24 *Court of the Virgin Islands who has served at least five*
25 *years, continuously or otherwise, and who retires or is re-*

1 *moved upon the sole ground of mental or physical disabil-*
2 *ity, shall be entitled to receive during the remainder of such*
3 *judge's life an annuity equal to 40 percent of the salary*
4 *received when the judge left office, or, in the case of a judge*
5 *who has served at least ten years, continuously or otherwise,*
6 *an annuity equal to that proportion of such salary which*
7 *the aggregate number of such judge's years of judicial serv-*
8 *ice bears to 15."; and*

9 (3) *amending subsection (g) to read as follows:*

10 “(g) *Any retired judge who is entitled to receive an*
11 *annuity under this section shall be entitled to a cost-of-liv-*
12 *ing adjustment in the amount computed as specified in sec-*
13 *tion 8340(b) of title 5, except that in no case may the annu-*
14 *ity payable to such retired judge, as increased under this*
15 *subsection, exceed the salary of a judge in regular active*
16 *service with the court on which the retired judge served be-*
17 *fore retiring.”.*

18 **SEC. 303. FEDERAL JUDICIAL CENTER PERSONNEL MAT-**

19 **TERS.**

20 *Section 625 of title 28, United States Code, is amend-*
21 *ed—*

22 (1) *in subsection (b)—*

23 (A) *by striking “, United States Code,”;*

24 (B) *by striking “pay rates, section 5316,*
25 *title 5, United States Code” and inserting*

1 “under section 5316 of title 5, except that the Di-
2 rector may fix the compensation of 4 positions of
3 the Center at a level not to exceed the annual
4 rate of pay in effect for level IV of the Executive
5 Schedule under section 5315 of title 5”; and

6 (C) by striking “the Civil Service” and all
7 that follows through “Code” and inserting “sub-
8 chapter III of chapter 83 of title 5 shall be ad-
9 justed pursuant to the provisions of section 8344
10 of such title, and the salary of a reemployed an-
11 nuitant under chapter 84 of title 5 shall be ad-
12 justed pursuant to the provisions of section 8468
13 of such title”; and

14 (2) in subsection (c) by striking “, United States
15 Code,” each place it appears.

16 **SEC. 304. JUDICIAL ADMINISTRATIVE OFFICIALS RETIRE-**
17 **MENT MATTERS.**

18 (a) *DIRECTOR OF ADMINISTRATIVE OFFICE.*—Section
19 611 of title 28, United States Code, is amended—

20 (1) in subsection (d), by inserting “a congres-
21 sional employee in the capacity of primary adminis-
22 trative assistant to a Member of Congress or in the
23 capacity of staff director or chief counsel for the ma-
24 jority or the minority of a committee or subcommittee

1 of the Senate or House of Representatives,” after
2 “Congress,”;

3 (2) in subsection (b)—

4 (A) by striking “who has served at least fif-
5 teen years and” and inserting “who has at least
6 fifteen years of service and has”;

7 (B) in the first undesignated paragraph, by
8 striking “who has served at least ten years,” and
9 inserting “who has at least ten years of service,”;
10 and

11 (3) in subsection (c)—

12 (A) by striking “served at least fifteen
13 years,” and inserting “at least fifteen years of
14 service,”; and

15 (B) by striking “served less than fifteen
16 years,” and inserting “less than fifteen years of
17 service,”.

18 (b) *DIRECTOR OF THE FEDERAL JUDICIAL CENTER.*—

19 *Section 627 of title 28, United States Code, is amended—*

20 (1) in subsection (e), by inserting “a congres-
21 sional employee in the capacity of primary adminis-
22 trative assistant to a Member of Congress or in the
23 capacity of staff director or chief counsel for the ma-
24 jority or the minority of a committee or subcommittee

1 of the Senate or House of Representatives,” after
2 “Congress,”;

3 (2) in subsection (c)—

4 (A) by striking “who has served at least fif-
5 teen years and” and inserting “who has at least
6 fifteen years of service and has”;

7 (B) in the first undesignated paragraph, by
8 striking “who has served at least ten years,” and
9 inserting “who has at least ten years of service,”;
10 and

11 (3) in subsection (d)—

12 (A) by striking “served at least fifteen
13 years,” and inserting “at least fifteen years of
14 service,”; and

15 (B) by striking “served less than fifteen
16 years,” and inserting “less than fifteen years of
17 service,”.

18 **SEC. 305. JUDGES’ FIREARMS TRAINING.**

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

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

23 “(a) *AUTHORITY.*—A judicial officer of the United
24 States is authorized to carry a firearm, whether concealed
25 or not, under regulations promulgated by the Judicial Con-

1 *ference of the United States. The authority granted by this*
2 *section shall extend only to—*

3 “(1) *those States in which the carrying of fire-*
4 *arms by judicial officers of the State is permitted by*
5 *State law, and*

6 “(2) *regardless of State law, to any place where*
7 *the judicial officer of the United States sits, resides,*
8 *or is present on official travel status.*

9 “(b) *IMPLEMENTATION.—*

10 “(1) *REGULATIONS.—The regulations promul-*
11 *gated by the Judicial Conference under subsection (a)*
12 *shall—*

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

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

23 “(2) *ASSISTANCE BY OTHER AGENCIES.—At the*
24 *request of the Judicial Conference, the Department of*
25 *Justice and appropriate law enforcement components*

1 of the Department shall assist the Judicial Conference
2 in developing and providing training to assist judi-
3 cial officers in securing the proficiency referred to in
4 subsection (b)(1).

5 “(c) *DEFINITION.*—For purposes of this section, the
6 term, ‘judicial officer of the United States’ means—

7 “(1) a justice or judge of the United States as de-
8 fined in section 451 in regular active service or re-
9 tired from regular active service;

10 “(2) a justice or judge of the United States who
11 has retired from the judicial office under section
12 371(a) for—

13 “(A) a 1-year period following such justice’s
14 or judge’s retirement; or

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

18 “(3) a United States bankruptcy judge;

19 “(4) a full-time or part-time United States mag-
20 istrate judge;

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

23 “(6) a judge of the United States District Court
24 of Guam;

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

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

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

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

13 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—The
14 table of sections for chapter 21 of title 28, United States
15 Code, is amended by adding at the end thereof the following:
 “464. Carrying of firearms by judicial officers.”.

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

21 **SEC. 306. EXEMPTION FROM JURY SERVICE.**

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

1 *granted to the head of an agency by section 3721 of title*
 2 *31 for consideration of employees' personal property claims.*
 3 *The Director shall prescribe guidelines for the consideration*
 4 *of claims under this subsection.”.*

5 **SEC. 309. ANNUAL LEAVE LIMIT FOR COURT UNIT EXECU-**
 6 **TIVES.**

7 *Section 6304(f)(1) of title 5, United States Code, is*
 8 *amended by adding at the end thereof the following:*

9 *“(F) the judicial branch designated as a court*
 10 *unit executive position by the Judicial Conference of*
 11 *the United States.”.*

12 **SEC. 310. TRANSFER OF COUNTY TO MIDDLE DISTRICT OF**
 13 **PENNSYLVANIA.**

14 *(a) TRANSFER.—Section 118 of title 28, United States*
 15 *Code, is amended—*

16 *(1) in subsection (a) by striking “Philadelphia,*
 17 *and Schuylkill” and inserting “and Philadelphia”;*
 18 *and*

19 *(2) in subsection (b) by inserting “Schuylkill,”*
 20 *after “Potter,”.*

21 *(b) EFFECTIVE DATE.—*

22 *(1) IN GENERAL.—This section and the amend-*
 23 *ments made by this section shall take effect 180 days*
 24 *after the date of the enactment of this Act.*

1 *“Court for the Houma Division shall be held at*
2 *Houma.”*

3 **(b) EFFECTIVE DATE.—**

4 **(1) IN GENERAL.—***This section and the amend-*
5 *ments made by this section shall take effect 180 days*
6 *after the date of the enactment of this Act.*

7 **(2) PENDING CASES NOT AFFECTED.—***This sec-*
8 *tion and the amendments made by this section shall*
9 *not affect any action commenced before the effective*
10 *date of this section and pending on such date in the*
11 *United States District Court for the Eastern District*
12 *of Louisiana or in the United States District Court*
13 *for the Western District of Louisiana.*

14 **(3) JURIES NOT AFFECTED.—***This section and*
15 *the amendments made by this section shall not affect*
16 *the composition, or preclude the service, of any grand*
17 *or petit jury summoned, impaneled, or actually serv-*
18 *ing on the effective date of this section.*

19 **SEC. 312. DISTRICT JUDGES FOR THE FLORIDA DISTRICT**
20 **COURTS.**

21 **(a) IN GENERAL.—***The President shall appoint, by*
22 *and with the advice and consent of the Senate—*

23 **(1)** *3 additional district judges for the middle*
24 *district of Florida; and*

1 (2) *2 additional district judges for the southern*
 2 *district of Florida.*

3 (b) *TEMPORARY JUDGESHIP.—*

4 (1) *IN GENERAL.—The President shall appoint,*
 5 *by and with the advice and consent of the Senate, 1*
 6 *additional district judge for the middle district of*
 7 *Florida.*

8 (2) *FIRST VACANCY NOT FILLED.—The first va-*
 9 *cancy in the office of district judge in the middle dis-*
 10 *trict of Florida, occurring 7 years or more after the*
 11 *confirmation date of the judge named to fill a tem-*
 12 *porary judgeship created by this subsection, shall not*
 13 *be filled.*

14 (c) *TABLES.—In order that the table contained in sec-*
 15 *tion 133 of title 28, United States Code, reflects the changes*
 16 *in the total number of permanent district judgeships au-*
 17 *thorized by subsection (a) of this section, the item relating*
 18 *to Florida in such table is amended to read as follows:*

“Florida:

Northern	4
Middle	14
Southern	18”.

19 (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 20 *authorized to be appropriated such sums as may be nec-*
 21 *essary to carry out the provisions of this section, including*
 22 *such sums as may be necessary to provide appropriate space*

1 *and facilities for the judicial positions created by this sec-*
2 *tion.*

3 (e) *EFFECTIVE DATE.*—*This section and the amend-*
4 *ments made by this section shall take effect on the date of*
5 *enactment of this Act.*

6 **SEC. 313. CHANGE IN COMPOSITION OF DIVISIONS IN WEST-**
7 **ERN DISTRICT OF TENNESSEE.**

8 (a) *IN GENERAL.*—*Section 123(c) of title 28, United*
9 *States Code, is amended—*

10 (1) *in paragraph (1) by inserting “Dyer,” after*
11 *“Decatur,”; and*

12 (2) *in paragraph (2) by striking “Dyer,”.*

13 (b) *EFFECTIVE DATE.*—

14 (1) *IN GENERAL.*—*This section and the amend-*
15 *ments made by this section shall take effect on the*
16 *date of the enactment of this Act.*

17 (2) *PENDING CASES NOT AFFECTED.*—*This sec-*
18 *tion and the amendments made by this section shall*
19 *not affect any action commenced before the effective*
20 *date of this section and pending in the United States*
21 *District Court for the Western District of Tennessee*
22 *on such date.*

23 (3) *JURIES NOT AFFECTED.*—*This section and*
24 *the amendments made by this section shall not affect*
25 *the composition, or preclude the service, of any grand*

1 *with payment requests certified by the Director or in*
2 *accordance with subsection (b);*

3 “(2) *examine payment requests as necessary to*
4 *ascertain whether they are in proper form, certified,*
5 *and approved; and*

6 “(3) *be held accountable for their actions as pro-*
7 *vided by law, except such a disbursing officer shall*
8 *not be held accountable or responsible for any illegal,*
9 *improper, or incorrect payment resulting from any*
10 *false, inaccurate, or misleading certificate for which*
11 *a certifying officer is responsible under subsection (b).*

12 “(b) *CERTIFYING OFFICERS.—(1) The Director may*
13 *designate in writing officers and employees of the judicial*
14 *branch of the Government, including the courts as defined*
15 *in section 610 other than the Supreme Court, to certify pay-*
16 *ment requests payable from appropriations and funds.*
17 *These certifying officers shall be responsible and accountable*
18 *for—*

19 “(A) *the existence and correctness of the facts re-*
20 *cited in the certificate or other request for payment*
21 *or its supporting papers;*

22 “(B) *the legality of the proposed payment under*
23 *the appropriation or fund involved; and*

24 “(C) *the correctness of the computations of cer-*
25 *tified payment requests.*

1 “(2) *The liability of a certifying officer shall be en-*
2 *forced in the same manner and to the same extent as pro-*
3 *vided by law with respect to the enforcement of the liability*
4 *of disbursing and other accountable officers. A certifying*
5 *officer shall be required to make restitution to the United*
6 *States for the amount of any illegal, improper, or incorrect*
7 *payment resulting from any false, inaccurate, or mislead-*
8 *ing certificates made by the certifying officer, as well as*
9 *for any payment prohibited by law or which did not rep-*
10 *resent a legal obligation under the appropriation or fund*
11 *involved.*

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

13 “(1) *has the right to apply for and obtain a deci-*
14 *sion by the Comptroller General on any question of*
15 *law involved in a payment request presented for*
16 *certification; and*

17 “(2) *is entitled to relief from liability arising*
18 *under this section in accordance with title 31.*

19 “(d) *OTHER AUTHORITY NOT AFFECTED.—Nothing in*
20 *this section affects the authority of the courts with respect*
21 *to moneys deposited with the courts under chapter 129 of*
22 *this title.”.*

23 “(b) *CONFORMING AMENDMENT.—The table of sections*
24 *for chapter 41 of title 28, United States Code, is amended*
25 *by adding at the end the following item:*

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

1 (c) *DUTIES OF DIRECTOR.*—Paragraph (8) of sub-
2 section (a) of section 604 of title 28, United States Code,
3 is amended to read as follows:

4 “(8) Disburse appropriations and other funds for
5 the maintenance and operation of the courts;”.

6 **SEC. 316. AUTHORITY TO PRESCRIBE FEES FOR TECH-**
7 **NOLOGY RESOURCES IN THE COURTS.**

8 (a) *IN GENERAL.*—Chapter 41 of title 28, United
9 States Code, is amended by adding at the end the following:
10 **“§614. Authority to prescribe fees for technology re-**
11 **sources in the courts**

12 “The Judicial Conference is authorized to prescribe
13 reasonable fees pursuant to sections 1913, 1914, 1926, 1930,
14 and 1932, for collection by the courts for use of information
15 technology resources provided by the judiciary for remote
16 access to the courthouse by litigants and the public, and
17 to facilitate the electronic presentation of cases. Fees under
18 this section may be collected only to cover the costs of mak-
19 ing such information technology resources available for the
20 purposes set forth in this section. Such fees shall not be re-
21 quired of persons financially unable to pay them. All fees
22 collected under this section shall be deposited in the Judici-
23 ary Information Technology Fund and be available to the
24 Director without fiscal year limitation to be expended on

1 *information technology resources developed or acquired to*
 2 *advance the purposes set forth in this section.”.*

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

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

6 **TITLE IV—CRIMINAL JUSTICE**
 7 **ACT AMENDMENTS**

8 **SEC. 401. MAXIMUM AMOUNTS OF COMPENSATION FOR AT-**
 9 **TORNEYS.**

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

12 (1) *in the first sentence—*

13 (A) *by striking “3,500” and inserting*
 14 *“5,000”;*

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

17 (2) *in the second sentence by striking “2,500”*
 18 *and inserting “3,600”;*

19 (3) *in the third sentence—*

20 (A) *by striking “750” and inserting*
 21 *“1,100”;*

22 (B) *by striking “2,500” and inserting*
 23 *“3,600”;*

24 (4) *inserting after the second sentence the follow-*
 25 *ing new sentence: “For representation of a petitioner*

1 *in a non-capital habeas corpus proceeding, the com-*
2 *pen- sation for each attorney shall not exceed the*
3 *amount applicable to a felony in this paragraph for*
4 *representation of a defendant before a United States*
5 *magistrate or the district court, or both. For represen-*
6 *tation of such petitioner in an appellate court, the*
7 *compensation for each attorney shall not exceed the*
8 *amount applicable for representation of a defendant*
9 *in an appellate court.”; and*

10 (5) *in the last sentence by striking “750” and*
11 *inserting “1,100”.*

12 **SEC. 402. MAXIMUM AMOUNTS OF COMPENSATION FOR**
13 **SERVICES OTHER THAN COUNSEL.**

14 *Section 3006A(e) of title 18, United States Code, is*
15 *amended—*

16 (1) *in paragraph (2)—*

17 (A) *in subparagraph (A) by striking “300”*
18 *and inserting “450”; and*

19 (B) *in subparagraph (B) by striking “300”*
20 *and inserting “450”; and*

21 (2) *in paragraph (3) in the first sentence by*
22 *striking “1,000” and inserting “1,500”.*

1 **SEC. 403. TORT CLAIMS ACT AMENDMENT RELATING TO LI-**
2 **ABILITY OF FEDERAL PUBLIC DEFENDERS.**

3 *Section 2671 of title 28, United States Code, is amend-*
4 *ed in the second undesignated paragraph—*

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

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