

106TH CONGRESS  
2D SESSION

# H. R. 4852

To protect the budget of the Federal courts.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2000

Mr. HYDE introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on the Budget, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To protect the budget of the Federal courts.

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.**

4 This Act may be cited as the “Federal Courts Budget  
5 Protection Act”.

6 **SEC. 2. BUDGET ESTIMATES.**

7 (a) IN GENERAL.—Section 605 of title 28, United  
8 States Code, is amended to read as follows:

1 **“§ 605. Budget estimates**

2 “(a) The Director, under the supervision of the Judi-  
3 cial Conference of the United States, shall submit to Con-  
4 gress before January 25 of each year annual estimates of  
5 the following:

6 “(1)(A) The expenditures and appropriations  
7 necessary for the maintenance and operation of the  
8 courts and the Administrative Office and the oper-  
9 ation of the judicial survivors annuity fund and any  
10 supplemental and deficiency estimates as may be re-  
11 quired for such purposes according to law.

12 “(B) The estimates required by this paragraph  
13 shall be approved, before presentation to Congress,  
14 by the Judicial Conference of the United States, ex-  
15 cept that the estimate with respect to the Court of  
16 International Trade shall be approved by that court  
17 and the estimate with respect to the United States  
18 Court of Appeals for the Federal Circuit shall be ap-  
19 proved by that court.

20 “(2)(A) The expenditures and appropriations  
21 necessary for real property construction activities,  
22 including construction and acquisitions and repairs  
23 and alterations, related to United States courthouses  
24 and other space occupied by entities of the judicial  
25 branch.

1           “(B) Estimated expenditures and appropria-  
2           tions under this paragraph shall be based on  
3           prospectuses and other information provided by the  
4           Administrator of General Services.

5           “(C) For the purpose of preparing estimated  
6           expenditures and appropriations under this para-  
7           graph, the Administrator of General Services shall,  
8           at such times as are required by Congress or the ju-  
9           dicial branch to ensure timely development and con-  
10          sideration of courthouse needs and budget requests,  
11          prepare and submit directly—

12                 “(i) prospectuses, including cost estimates,  
13                 for future judicial branch construction, acquisi-  
14                 tion, and repair and alteration projects to the  
15                 Director, the Committee on Environment and  
16                 Public Works of the Senate, the Committee on  
17                 Transportation and Infrastructure of the House  
18                 of Representatives, and the Committees on Ap-  
19                 propriations of the Senate and House of Rep-  
20                 resentatives; and

21                 “(ii) preliminary planning, design and cost  
22                 estimates of future judicial branch construction,  
23                 acquisition, and repair and alteration projects  
24                 to the Director.

1           “(D) In accordance with estimates prepared  
2           under this paragraph, funds may be appropriated to  
3           the judicial branch for deposit into the Federal  
4           Buildings Fund for the construction, acquisition,  
5           and repair and alteration of Federal courthouses.  
6           Funds deposited into the Federal Buildings Fund  
7           under this subparagraph shall not be available for  
8           expenses in connection with any construction, acqui-  
9           sition, and repair and alteration project for which a  
10          prospectus, if required by section 7 of the Public  
11          Buildings Act of 1959 (40 U.S.C. 606), has not  
12          been approved by the Committee on Environment  
13          and Public Works of the Senate and the Committee  
14          on Transportation and Infrastructure of the House  
15          of Representatives, except that necessary funds may  
16          be expended for each project for required expenses  
17          in connection with the development of a proposed  
18          prospectus.

19          “(b)(1) The estimates submitted to Congress under  
20          subsection (a) shall also be submitted to the President for  
21          inclusion in the budget of the United States. In each budg-  
22          et of the United States Government submitted by the  
23          President under the first sentence of section 1105(a) of  
24          title 31, the President shall make no change or alterations  
25          whatsoever, and shall not impose or otherwise recommend,

1 directly or indirectly, implementation of a negative allow-  
2 ance, rescission, or any other form of reduction or change  
3 to such estimates.

4 “(2) For the purpose of preparing a unified Federal  
5 budget by the President, the Director shall transmit to  
6 the President—

7 “(A) preliminary estimated expenditures and  
8 proposed appropriations for the judicial branch be-  
9 fore October 16 of each year; and

10 “(B) final estimated expenditures and proposed  
11 appropriations for the judicial branch before Decem-  
12 ber 24 of each year, and such final estimates shall  
13 be identical to the estimates to be submitted to Con-  
14 gress under subsection (a).

15 “(c) The Director shall cause periodic examinations  
16 of the judicial survivors annuity fund to be made by an  
17 actuary, who may be an actuary employed by another de-  
18 partment of the Government temporarily assigned for the  
19 purpose, and whose findings and recommendations shall  
20 be transmitted by the Director to the Judicial Con-  
21 ference.”.

22 (b) CONFORMING AMENDMENT.—Section 1105(b) of  
23 title 31, United States Code, is amended by adding at the  
24 end the following: “Estimated expenditures and proposed  
25 appropriations for the judicial branch described under sec-

1 tion 605 of title 28 shall be included in the budget and  
2 submitted to the President in accordance with that sec-  
3 tion.”.

4 (c) RESPONSIBILITIES OF THE ADMINISTRATOR.—  
5 Except for the budget submission process provided in sec-  
6 tion 605(a)(2) of title 28, United States Code, as added  
7 by subsection (a) of this section, the responsibilities of the  
8 Administrator of General Services for—

9 (1) assessing, with the Director of the Adminis-  
10 trative Office of the United States Courts, the facil-  
11 ity requirements, specifications, and costs associated  
12 with housing the needs of the judicial branch in  
13 buildings to be constructed, leased, or renovated  
14 through funds made available to the General Serv-  
15 ices Administration from the Federal Buildings  
16 Fund or any other source;

17 (2) the planning, cost estimating, design and  
18 performance of construction, leasing and repair, and  
19 alteration functions for the purpose of housing the  
20 activities of the judicial branch; and

21 (3) the planning and determination of the hous-  
22 ing plans of those elements of the executive branch  
23 which should be included in buildings to be con-  
24 structed, leased, or renovated for the judicial branch  
25 where necessary to support the activities of the judi-

1           cial branch or to best meet the needs of the Federal  
2           community;  
3 shall not be affected by section 605(a) of title 28, United  
4 States Code, as added by subsection (a).

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