

106TH CONGRESS  
2D SESSION

# S. 2915

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## AN ACT

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 2000”.

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

Sec. 1. Short title and table of contents.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 101. Extension of Judiciary Information Technology Fund.

Sec. 102. Disposition of miscellaneous fees.

Sec. 103. Transfer of retirement funds.

Sec. 104. Increase in chapter 9 bankruptcy filing fee.

Sec. 105. Increase in fee for converting a chapter 7 or chapter 13 bankruptcy case to a chapter 11 bankruptcy case.

Sec. 106. Bankruptcy 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. Membership in circuit judicial councils.

Sec. 206. Sunset of civil justice expense and delay reduction plans.

Sec. 207. Repeal of Court of Federal Claims filing fee.

Sec. 208. Technical bankruptcy correction.

Sec. 209. Technical amendment relating to the treatment of certain bankruptcy fees collected.

Sec. 210. Maximum amounts of compensation for attorneys.

Sec. 211. Reimbursement of expenses in defense of certain malpractice actions.

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS,  
 AND PROTECTIONS

Sec. 301. Judicial administrative officials retirement matters.

Sec. 302. Applicability of leave provisions to employees of the Sentencing Commission.

Sec. 303. Payments to military survivors benefits plan.

Sec. 304. Creation of certifying officers in the judicial branch.

Sec. 305. Amendment to the jury selection process.

Sec. 306. Authorization of a circuit executive for the Federal circuit.

Sec. 307. Residence of retired judges.

Sec. 308. Recall of judges on disability status.

Sec. 309. Personnel application and insurance programs relating to judges of the Court of Federal Claims.

Sec. 310. Lump-sum payment for accumulated and accrued leave on separation.

Sec. 311. Employment of personal assistants for handicapped employees.

Sec. 312. Mandatory retirement age for Director of the Federal Judicial Center.

Sec. 313. Reauthorization of certain Supreme Court Police authority.

TITLE IV—FEDERAL PUBLIC DEFENDERS

Sec. 401. Tort Claims Act amendment relating to liability of Federal public defenders.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Extensions relating to bankruptcy administrator program.

Sec. 502. Additional place of holding court in the district of Oregon.

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

3     **SEC. 101. EXTENSION OF JUDICIARY INFORMATION TECH-**  
 4                     **NOLOGY FUND.**

5             Section 612 of title 28, United States Code, is  
 6 amended—

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

9                     (2) by striking subsection (f) and redesignating  
 10             subsections (g) through (k) as subsections (f)  
 11             through (j), respectively;

12                     (3) in subsection (g), as so redesignated, by  
 13             striking paragraph (3); and

14                     (4) in subsection (i), as so redesignated—

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

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

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

1 **SEC. 102. DISPOSITION OF MISCELLANEOUS FEES.**

2 For fiscal year 2001 and each fiscal year thereafter,  
3 any portion of miscellaneous fees collected as prescribed  
4 by the Judicial Conference of the United States under sec-  
5 tions 1913, 1914(b), 1926(a), 1930(b), and 1932 of title  
6 28, United States Code, exceeding the amount of such fees  
7 in effect on September 30, 2000, shall be deposited into  
8 the special fund of the Treasury established under section  
9 1931 of title 28, United States Code.

10 **SEC. 103. TRANSFER OF RETIREMENT FUNDS.**

11 Section 377 of title 28, United States Code, is  
12 amended by adding at the end the following:

13 “(p) TRANSFER OF RETIREMENT FUNDS.—Upon  
14 election by a bankruptcy judge or a magistrate judge  
15 under subsection (f) of this section, all of the accrued em-  
16 ployer contributions and accrued interest on those con-  
17 tributions made on behalf of the bankruptcy judge or mag-  
18 istrate judge to the Civil Service Retirement and Disability  
19 Fund under section 8348 of title 5 shall be transferred  
20 to the fund established under section 1931 of this title,  
21 except that if the bankruptcy judge or magistrate judge  
22 elects under section 2(c) of the Retirement and Survivor’s  
23 Annuities for Bankruptcy Judges and Magistrates Act of  
24 1988 (Public Law 100–659), to receive a retirement annu-  
25 ity under both this section and title 5, only the accrued  
26 employer contributions and accrued interest on such con-

1 tributions, made on behalf of the bankruptcy judge or  
2 magistrate judge for service credited under this section,  
3 may be transferred.”.

4 **SEC. 104. INCREASE IN CHAPTER 9 BANKRUPTCY FILING**  
5 **FEE.**

6 Section 1930(a)(2) of title 28, United States Code,  
7 is amended by striking “\$300” and inserting “equal to  
8 the fee specified in paragraph (3) for filing a case under  
9 chapter 11 of title 11. The amount by which the fee pay-  
10 able under this paragraph exceeds \$300 shall be deposited  
11 in the fund established under section 1931 of this title”.

12 **SEC. 105. INCREASE IN FEE FOR CONVERTING A CHAPTER**  
13 **7 OR CHAPTER 13 BANKRUPTCY CASE TO A**  
14 **CHAPTER 11 BANKRUPTCY CASE.**

15 The flush paragraph at the end of section 1930(a)  
16 of title 28, United States Code, is amended by striking  
17 “\$400” and inserting “the amount equal to the difference  
18 between the fee specified in paragraph (3) and the fee  
19 specified in paragraph (1)”.

20 **SEC. 106. BANKRUPTCY FEES.**

21 Section 1930(a) of title 28, United States Code, is  
22 amended by adding at the end the following:

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 **TITLE II—JUDICIAL PROCESS** 8 **IMPROVEMENTS**

### 9 **SEC. 201. EXTENSION OF STATUTORY AUTHORITY FOR** 10 **MAGISTRATE JUDGE POSITIONS TO BE ES-** 11 **TABLISHED IN THE DISTRICT COURTS OF** 12 **GUAM AND THE NORTHERN MARIANA IS-** 13 **LANDS.**

14 Section 631 of title 28, United States Code, is  
 15 amended—

16 (1) by striking the first two sentences of sub-  
 17 section (a) and inserting the following: “The judges  
 18 of each United States district court and the district  
 19 courts of the Virgin Islands, Guam, and the North-  
 20 ern Mariana Islands shall appoint United States  
 21 magistrate judges in such numbers and to serve at  
 22 such locations within the judicial districts as the Ju-  
 23 dicial Conference may determine under this chapter.  
 24 In the case of a magistrate judge appointed by the  
 25 district court of the Virgin Islands, Guam, or the

1 Northern Mariana Islands, this chapter shall apply  
2 as though the court appointing such a magistrate  
3 judge were a United States district court.”; and

4 (2) by inserting in the first sentence of para-  
5 graph (1) of subsection (b) after “Commonwealth of  
6 Puerto Rico,” the following: “the Territory of Guam,  
7 the Commonwealth of the Northern Mariana Is-  
8 lands,”.

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

10 Section 636(e) of title 28, United States Code, is  
11 amended to read as follows:

12 “(e) CONTEMPT AUTHORITY.—

13 “(1) IN GENERAL.—A United States magistrate  
14 judge serving under this chapter shall have within  
15 the territorial jurisdiction prescribed by the appoint-  
16 ment of such magistrate judge the power to exercise  
17 contempt authority as set forth in this subsection.

18 “(2) SUMMARY CRIMINAL CONTEMPT AUTHOR-  
19 ITY.—A magistrate judge shall have the power to  
20 punish summarily by fine or imprisonment such con-  
21 tempt of the authority of such magistrate judge con-  
22 stituting misbehavior of any person in the mag-  
23 istrate judge’s presence so as to obstruct the admin-  
24 istration of justice. The order of contempt shall be

1 issued under the Federal Rules of Criminal Proce-  
2 dure.

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 subsection (c) of this section, and in any mis-  
8 demeanor case proceeding before a magistrate judge  
9 under section 3401 of title 18, the magistrate judge  
10 shall have the power to punish, by fine or imprison-  
11 ment, criminal contempt constituting disobedience or  
12 resistance to the magistrate judge’s lawful writ,  
13 process, order, rule, decree, or command. Disposition  
14 of such contempt shall be conducted upon notice and  
15 hearing under 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 subsection (c)  
21 of this section, and in any misdemeanor case pro-  
22 ceeding before a magistrate judge under section  
23 3401 of title 18, the magistrate judge may exercise  
24 the civil contempt authority of the district court.  
25 This paragraph shall not be construed to limit the

1 authority of a magistrate judge to order sanctions  
2 under any other statute, the Federal Rules of Civil  
3 Procedure, or the Federal Rules of Criminal Proce-  
4 dure.

5 “(5) CRIMINAL CONTEMPT PENALTIES.—The  
6 sentence imposed by a magistrate judge for any  
7 criminal contempt provided for in paragraphs (2)  
8 and (3) shall not exceed the penalties for a Class C  
9 misdemeanor as set forth in sections 3581(b)(8) and  
10 3571(b)(6) of title 18.

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

14 “(A) in any case in which a United States  
15 magistrate judge presides with the consent of  
16 the parties under subsection (c) of this section,  
17 or in any misdemeanor case proceeding before  
18 a magistrate judge under section 3401 of title  
19 18, that may, in the opinion of the magistrate  
20 judge, constitute a serious criminal contempt  
21 punishable by penalties exceeding those set  
22 forth in paragraph (5) of this subsection; or

23 “(B) in any other case or proceeding under  
24 subsection (a) or (b) of this section, or any  
25 other statute, 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 para-  
6           graph (5) of this subsection;

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 facts  
13           to a district judge and may serve or cause to be  
14           served, upon any person whose behavior is brought  
15           into question under this paragraph, an order requir-  
16           ing such person to appear before a district judge  
17           upon a day certain to show cause why that person  
18           should not be adjudged in contempt by reason of the  
19           facts so certified. The district judge shall thereupon  
20           hear the evidence as to the act or conduct com-  
21           plained of and, if it is such as to warrant punish-  
22           ment, punish such person in the same manner and  
23           to the same extent as for a contempt committed be-  
24           fore a district judge.

1           “(7) APPEALS OF MAGISTRATE JUDGE CON-  
 2           TEMPT ORDERS.—The appeal of an order of con-  
 3           tempt under this subsection shall be made to the  
 4           court of appeals in cases proceeding under sub-  
 5           section (c) of this section. The appeal of any other  
 6           order of contempt issued under this section shall be  
 7           made to the district court.”.

8 **SEC. 203. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN**  
 9                           **PETTY OFFENSE CASES AND MAGISTRATE**  
 10                           **JUDGE AUTHORITY IN MISDEMEANOR CASES**  
 11                           **INVOLVING JUVENILE DEFENDANTS.**

12           (a) AMENDMENTS TO TITLE 18.—

13                   (1) PETTY OFFENSE CASES.—Section 3401(b)  
 14                   of title 18, United States Code, is amended by strik-  
 15                   ing “that is a class B misdemeanor charging a  
 16                   motor vehicle offense, a class C misdemeanor, or an  
 17                   infraction,” after “petty offense”.

18                   (2) CASES INVOLVING JUVENILES.—Section  
 19                   3401(g) of title 18, United States Code, is  
 20                   amended—

21                           (A) by striking the first sentence and in-  
 22                           serting the following: “The magistrate judge  
 23                           may, in a petty offense case involving a juve-  
 24                           nile, exercise all powers granted to the district  
 25                           court under chapter 403 of this title.”;

1 (B) in the second sentence by striking  
2 “any other class B or C misdemeanor case”  
3 and inserting “the case of any misdemeanor,  
4 other than a petty offense,”; and

5 (C) by striking the last sentence.

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

9 “(4) the power to enter a sentence for a petty  
10 offense; and

11 “(5) the power to enter a sentence for a class  
12 A misdemeanor in a case in which the parties have  
13 consented.”.

14 **SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIRE-**  
15 **MENTS.**

16 Section 604 of title 28, United States Code, is  
17 amended in subsection (a) by striking the second para-  
18 graph designated (24).

19 **SEC. 205. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.**

20 Section 332(a) of title 28, United States Code, is  
21 amended—

22 (1) by striking paragraph (3) and inserting the  
23 following:

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

1 ular active service under section 371(b) of this title may  
2 serve as members of the council. Service as a member of  
3 a judicial council by a judge retired from regular active  
4 service under section 371(b) may not be considered for  
5 meeting the requirements of section 371(f)(1) (A), (B),  
6 or (C).”; and

7 (2) in paragraph (5) by striking “retirement,”  
8 and inserting “retirement under section 371(a) or  
9 372(a) of this title.”.

10 **SEC. 206. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY**  
11 **REDUCTION PLANS.**

12 Section 103(b)(2)(A) of the Civil Justice Reform Act  
13 of 1990 (Public Law 101–650; 104 Stat. 5096; 28 U.S.C.  
14 471 note), as amended by Public Law 105–53 (111 Stat.  
15 1173), is amended by inserting “471,” after “sections”.

16 **SEC. 207. REPEAL OF COURT OF FEDERAL CLAIMS FILING**  
17 **FEE.**

18 Section 2520 of title 28, United States Code, and the  
19 item relating to such section in the table of contents for  
20 chapter 165 of such title, are repealed.

21 **SEC. 208. TECHNICAL BANKRUPTCY CORRECTION.**

22 Section 1228 of title 11, United States Code, is  
23 amended by striking “1222(b)(10)” each place it appears  
24 and inserting “1222(b)(9)”.

1 **SEC. 209. TECHNICAL AMENDMENT RELATING TO THE**  
2 **TREATMENT OF CERTAIN BANKRUPTCY FEES**  
3 **COLLECTED.**

4 (a) AMENDMENT.—The first sentence of section  
5 406(b) of the Departments of Commerce, Justice, and  
6 State, the Judiciary, and Related Agencies Appropriations  
7 Act, 1990 (Public Law 101–162; 103 Stat. 1016; 28  
8 U.S.C. 1931 note) is amended by striking “service enu-  
9 merated after item 18” and inserting “service not of a  
10 kind described in any of the items enumerated as items  
11 1 through 7 and as items 9 through 18, as in effect on  
12 November 21, 1989.”.

13 (b) APPLICATION OF AMENDMENT.—The amendment  
14 made by subsection (a) shall not apply with respect to fees  
15 collected before the date of enactment of this Act.

16 **SEC. 210. MAXIMUM AMOUNTS OF COMPENSATION FOR AT-**  
17 **TORNEYS.**

18 Section 3006A(d)(2) of title 18, United States Code,  
19 is amended—

20 (1) in the first sentence—

21 (A) by striking “\$3,500” and inserting  
22 “\$5,200”; and

23 (B) by striking “\$1,000” and inserting  
24 “\$1,500”;

25 (2) in the second sentence by striking “\$2,500”  
26 and inserting “\$3,700”;

1 (3) in the third sentence—

2 (A) by striking “\$750” and inserting  
3 “\$1,200”; and

4 (B) by striking “\$2,500” and inserting  
5 “\$3,900”;

6 (4) by inserting after the second sentence the  
7 following: “For representation of a petitioner in a  
8 non-capital habeas corpus proceeding, the compensa-  
9 tion for each attorney shall not exceed the amount  
10 applicable to a felony in this paragraph for represen-  
11 tation of a defendant before a judicial officer of the  
12 district court. For representation of such petitioner  
13 in an appellate court, the compensation for each at-  
14 torney shall not exceed the amount applicable for  
15 representation of a defendant in an appellate  
16 court.”; and

17 (5) in the last sentence by striking “\$750” and  
18 inserting “\$1,200”.

19 **SEC. 211. REIMBURSEMENT OF EXPENSES IN DEFENSE OF**  
20 **CERTAIN MALPRACTICE ACTIONS.**

21 Section 3006A(d)(1) of title 18, United States Code,  
22 is amended by striking the last sentence and inserting  
23 “Attorneys may be reimbursed for expenses reasonably in-  
24 curred, including the costs of transcripts authorized by the  
25 United States magistrate or the court, and the costs of

1 defending actions alleging malpractice of counsel in fur-  
 2 nishing representational services under this section. No re-  
 3 imbursement for expenses in defending against mal-  
 4 practice claims shall be made if a judgment of malpractice  
 5 is rendered against the counsel furnishing representational  
 6 services under this section. The United States magistrate  
 7 or the court shall make determinations relating to reim-  
 8 bursement of expenses under this paragraph.”.

9 **TITLE III—JUDICIAL PER-**  
 10 **SONNEL ADMINISTRATION,**  
 11 **BENEFITS, AND PROTEC-**  
 12 **TIONS**

13 **SEC. 301. JUDICIAL ADMINISTRATIVE OFFICIALS RETIRE-**  
 14 **MENT MATTERS.**

15 (a) DIRECTOR OF ADMINISTRATIVE OFFICE.—Sec-  
 16 tion 611 of title 28, United States Code, is amended—

17 (1) in subsection (d), by inserting “a congres-  
 18 sional employee in the capacity of primary adminis-  
 19 trative assistant to a Member of Congress or in the  
 20 capacity of staff director or chief counsel for the ma-  
 21 jority or the minority of a committee or sub-  
 22 committee of the Senate or House of Representa-  
 23 tives,” after “Congress,”;

24 (2) in subsection (b)—

1 (A) by striking “who has served at least  
2 fifteen years and” and inserting “who has at  
3 least fifteen years of service and has”; and

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

8 (3) in subsection (c)—

9 (A) by striking “served at least fifteen  
10 years,” and inserting “at least fifteen years of  
11 service,”; and

12 (B) by striking “served less than fifteen  
13 years,” and inserting “less than fifteen years of  
14 service,”.

15 (b) DIRECTOR OF THE FEDERAL JUDICIAL CEN-  
16 TER.—Section 627 of title 28, United States Code, is  
17 amended—

18 (1) in subsection (e), by inserting “a congres-  
19 sional employee in the capacity of primary adminis-  
20 trative assistant to a Member of Congress or in the  
21 capacity of staff director or chief counsel for the ma-  
22 jority or the minority of a committee or sub-  
23 committee of the Senate or House of Representa-  
24 tives,” after “Congress,”;

25 (2) in subsection (c)—

1 (A) by striking “who has served at least  
2 fifteen years and” and inserting “who has at  
3 least fifteen years of service and has”; and

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

8 (3) in subsection (d)—

9 (A) by striking “served at least fifteen  
10 years,” and inserting “at least fifteen years of  
11 service,”; and

12 (B) by striking “served less than fifteen  
13 years,” and inserting “less than fifteen years of  
14 service,”.

15 **SEC. 302. APPLICABILITY OF LEAVE PROVISIONS TO EM-**  
16 **PLOYEES OF THE SENTENCING COMMISSION.**

17 (a) IN GENERAL.—Section 996(b) of title 28, United  
18 States Code, is amended by striking all after “title 5,”  
19 and inserting “except the following: chapters 45 (Incentive  
20 Awards), 63 (Leave), 81 (Compensation for Work Inju-  
21 ries), 83 (Retirement), 85 (Unemployment Compensa-  
22 tion), 87 (Life Insurance), and 89 (Health Insurance),  
23 and subchapter VI of chapter 55 (Payment for accumu-  
24 lated and accrued leave).”.

1 (b) SAVINGS PROVISION.—Any leave that an indi-  
 2 vidual accrued or accumulated (or that otherwise became  
 3 available to such individual) under the leave system of the  
 4 United States Sentencing Commission and that remains  
 5 unused as of the date of the enactment of this Act shall,  
 6 on and after such date, be treated as leave accrued or ac-  
 7 cumulated (or that otherwise became available to such in-  
 8 dividual) under chapter 63 of title 5, United States Code.

9 **SEC. 303. PAYMENTS TO MILITARY SURVIVORS BENEFITS**  
 10 **PLAN.**

11 Section 371(e) of title 28, United States Code, is  
 12 amended by inserting after “such retired or retainer pay”  
 13 the following: “, except such pay as is deductible from the  
 14 retired or retainer pay as a result of participation in any  
 15 survivor’s benefits plan in connection with the retired  
 16 pay,”.

17 **SEC. 304. CREATION OF CERTIFYING OFFICERS IN THE JU-**  
 18 **DICIAL BRANCH.**

19 (a) APPOINTMENT OF DISBURSING AND CERTIFYING  
 20 OFFICERS.—Chapter 41 of title 28, United States Code,  
 21 is amended by adding at the end the following:

22 **“§ 613. Disbursing and certifying officers**

23 “(a) DISBURSING OFFICERS.—The Director may  
 24 designate in writing officers and employees of the judicial  
 25 branch of the Government, including the courts as defined

1 in section 610 other than the Supreme Court, to be dis-  
2 bursing officers in such numbers and locations as the Di-  
3 rector considers necessary. Such disbursing officers  
4 shall—

5           “(1) disburse moneys appropriated to the judi-  
6 cial branch and other funds only in strict accordance  
7 with payment requests certified by the Director or in  
8 accordance with subsection (b);

9           “(2) examine payment requests as necessary to  
10 ascertain whether they are in proper form, certified,  
11 and approved; and

12           “(3) be held accountable for their actions as  
13 provided by law, except that such a disbursing offi-  
14 cer shall not be held accountable or responsible for  
15 any illegal, improper, or incorrect payment resulting  
16 from any false, inaccurate, or misleading certificate  
17 for which a certifying officer is responsible under  
18 subsection (b).

19           “(b) CERTIFYING OFFICERS.—

20           “(1) IN GENERAL.—The Director may des-  
21 ignate in writing officers and employees of the judi-  
22 cial branch of the Government, including the courts  
23 as defined in section 610 other than the Supreme  
24 Court, to certify payment requests payable from ap-

1       appropriations and funds. Such certifying officers shall  
2       be responsible and accountable for—

3               “(A) the existence and correctness of the  
4               facts recited in the certificate or other request  
5               for payment or its supporting papers;

6               “(B) the legality of the proposed payment  
7               under the appropriation or fund involved; and

8               “(C) the correctness of the computations  
9               of certified payment requests.

10              “(2) LIABILITY.—The liability of a certifying  
11              officer shall be enforced in the same manner and to  
12              the same extent as provided by law with respect to  
13              the enforcement of the liability of disbursing and  
14              other accountable officers. A certifying officer shall  
15              be required to make restitution to the United States  
16              for the amount of any illegal, improper, or incorrect  
17              payment resulting from any false, inaccurate, or  
18              misleading certificates made by the certifying officer,  
19              as well as for any payment prohibited by law or  
20              which did not represent a legal obligation under the  
21              appropriation or fund involved.

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

23                      “(1) has the right to apply for and obtain a de-  
24                      cision by the Comptroller General on any question of

1 law involved in a payment request presented for cer-  
2 tification; and

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

5 “(d) OTHER AUTHORITY NOT AFFECTED.—Nothing  
6 in this section affects the authority of the courts with re-  
7 spect to moneys deposited with the courts under chapter  
8 129 of this title.”.

9 (b) CONFORMING AMENDMENT.—The table of sec-  
10 tions for chapter 41 of title 28, United States Code, is  
11 amended by adding at the end the following:

“613. Disbursing and certifying officers.”.

12 (c) RULE OF CONSTRUCTION.—The amendment  
13 made by subsection (a) shall not be construed to authorize  
14 the hiring of any Federal officer or employee.

15 (d) DUTIES OF DIRECTOR.—Section 604(a)(8) of  
16 title 28, United States Code, is amended to read as fol-  
17 lows:

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

20 **SEC. 305. AMENDMENT TO THE JURY SELECTION PROCESS.**

21 Section 1865 of title 28, United States Code, is  
22 amended—

23 (1) in subsection (a) by inserting “or the clerk  
24 under supervision of the court if the court’s jury se-

1       lection plan so authorizes,” after “jury commis-  
2       sion,”; and

3               (2) in subsection (b) by inserting “or the clerk  
4       if the court’s jury selection plan so provides,” after  
5       “may provide,”.

6       **SEC. 306. AUTHORIZATION OF A CIRCUIT EXECUTIVE FOR**  
7                               **THE FEDERAL CIRCUIT.**

8       Section 332 of title 28, United States Code, is  
9       amended by adding at the end the following:

10       “(h)(1) The United States Court of Appeals for the  
11       Federal Circuit may appoint a circuit executive, who shall  
12       serve at the pleasure of the court. In appointing a circuit  
13       executive, the court shall take into account experience in  
14       administrative and executive positions, familiarity with  
15       court procedures, and special training. The circuit execu-  
16       tive shall exercise such administrative powers and perform  
17       such duties as may be delegated by the court. The duties  
18       delegated to the circuit executive may include the duties  
19       specified in subsection (e) of this section, insofar as such  
20       duties are applicable to the Court of Appeals for the Fed-  
21       eral Circuit.

22       “(2) The circuit executive shall be paid the salary for  
23       circuit executives established under subsection (f) of this  
24       section.

1       “(3) The circuit executive may appoint, with the ap-  
2       proval of the court, necessary employees in such number  
3       as may be approved by the Director of the Administrative  
4       Office of the United States Courts.

5       “(4) The circuit executive and staff shall be deemed  
6       to be officers and employees of the United States within  
7       the meaning of the statutes specified in subsection (f)(4).

8       “(5) The court may appoint either a circuit executive  
9       under this subsection or a clerk under section 711 of this  
10      title, but not both, or may appoint a combined circuit execu-  
11      tive/clerk who shall be paid the salary of a circuit execu-  
12      tive.”.

13      **SEC. 307. RESIDENCE OF RETIRED JUDGES.**

14      Section 175 of title 28, United States Code, is  
15      amended by adding at the end the following:

16      “(c) Retired judges of the Court of Federal Claims  
17      are not subject to restrictions as to residence. The place  
18      where a retired judge maintains the actual abode in which  
19      such judge customarily lives shall be deemed to be the  
20      judge’s official duty station for the purposes of section 456  
21      of this title.”.

22      **SEC. 308. RECALL OF JUDGES ON DISABILITY STATUS.**

23      Section 797(a) of title 28, United States Code, is  
24      amended—

25               (1) by inserting “(1)” after “(a)”; and

1 (2) by adding at the end the following:

2 “(2) Any judge of the Court of Federal Claims receiv-  
3 ing an annuity under section 178(c) of this title (per-  
4 taining to disability) who, in the estimation of the chief  
5 judge, has recovered sufficiently to render judicial service,  
6 shall be known and designated as a senior judge and may  
7 perform duties as a judge when recalled under subsection  
8 (b) of this section.”.

9 **SEC. 309. PERSONNEL APPLICATION AND INSURANCE PRO-**  
10 **GRAMS RELATING TO JUDGES OF THE COURT**  
11 **OF FEDERAL CLAIMS.**

12 (a) IN GENERAL.—Chapter 7 of title 28, United  
13 States Code, is amended by inserting after section 178 the  
14 following:

15 **“§ 179. Personnel application and insurance pro-**  
16 **grams**

17 “(a) For purposes of construing and applying title  
18 5, a judge of the United States Court of Federal Claims  
19 shall be deemed to be an ‘officer’ under section 2104(a)  
20 of such title.

21 “(b) For purposes of construing and applying chapter  
22 89 of title 5, a judge of the United States Court of Federal  
23 Claims who—

24 “(1) is retired under section 178 of this title;  
25 and



1 **SEC. 311. EMPLOYMENT OF PERSONAL ASSISTANTS FOR**  
2 **HANDICAPPED EMPLOYEES.**

3 Section 3102(a)(1) of title 5, United States Code, is  
4 amended—

5 (1) in subparagraph (A) by striking “and”;

6 (2) in subparagraph (B) by adding “and” after  
7 the semicolon; and

8 (3) by adding at the end the following:

9 “(C) an office, agency, or other establish-  
10 ment in the judicial branch;”.

11 **SEC. 312. MANDATORY RETIREMENT AGE FOR DIRECTOR**  
12 **OF THE FEDERAL JUDICIAL CENTER.**

13 (a) **IN GENERAL.**—Section 627 of title 28, United  
14 States Code, is amended—

15 (1) by striking subsection (a); and

16 (2) by redesignating subsections (b) through (f)  
17 as subsections (a) through (e), respectively.

18 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

19 Section 376 of title 28, United States Code, is amended—

20 (1) in paragraph (1)(D) by striking “subsection  
21 (b)” and inserting “subsection (a)”; and

22 (2) in paragraph (2)(D) by striking “subsection  
23 (c) or (d)” and inserting “subsection (b) or (c)”.

1 **SEC. 313. REAUTHORIZATION OF CERTAIN SUPREME**  
2 **COURT POLICE AUTHORITY.**

3 Section 9(c) of the Act entitled “An Act relating to  
4 the policing of the building and grounds of the Supreme  
5 Court of the United States”, approved August 18, 1949  
6 (40 U.S.C. 13n(e)) is amended in the first sentence by  
7 striking “2000” and inserting “2004”.

8 **TITLE IV—FEDERAL PUBLIC**  
9 **DEFENDERS**

10 **SEC. 401. TORT CLAIMS ACT AMENDMENT RELATING TO LI-**  
11 **ABILITY OF FEDERAL PUBLIC DEFENDERS.**

12 Section 2671 of title 28, United States Code, is  
13 amended in the second undesignated paragraph—

14 (1) by inserting “(1)” after “includes”; and

15 (2) by striking the period at the end and insert-  
16 ing the following: “, and (2) any officer or employee  
17 of a Federal public defender organization, except  
18 when such officer or employee performs professional  
19 services in the course of providing representation  
20 under section 3006A of title 18.”.

1           **TITLE V—MISCELLANEOUS**  
2                           **PROVISIONS**

3   **SEC. 501. EXTENSIONS RELATING TO BANKRUPTCY ADMIN-**  
4                           **ISTRATOR PROGRAM.**

5           Section 302(d)(3) of the Bankruptcy Judges, United  
6 States Trustees, and Family Farmer Bankruptcy Act of  
7 1986 (28 U.S.C. 581 note) is amended—

8                   (1) in subparagraph (A), in the matter fol-  
9                   lowing clause (ii), by striking “or October 1, 2002,  
10                   whichever occurs first”; and

11                   (2) in subparagraph (F)—

12                           (A) in clause (i)—

13                                   (i) in subclause (II), by striking “or  
14                                   October 1, 2002, whichever occurs first”;  
15                                   and

16                                   (ii) in the matter following subclause  
17                                   (II), by striking “October 1, 2003, or”;  
18                                   and

19                           (B) in clause (ii), in the matter following  
20                   subclause (II)—

21                                   (i) by striking “before October 1,  
22                                   2003, or”; and

23                                   (ii) by striking “, whichever occurs  
24                                   first”.

1 **SEC. 502. ADDITIONAL PLACE OF HOLDING COURT IN THE**  
2 **DISTRICT OF OREGON.**

3 Section 117 of title 28, United States Code, is  
4 amended by striking “Eugene” and inserting “Eugene or  
5 Springfield”.

Passed the Senate October 19 (legislative day, Sep-  
tember 22), 2000.

Attest:

*Secretary.*

106TH CONGRESS  
2D SESSION

**S. 2915**

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**AN ACT**

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

S 2915 ES—2

S 2915 ES—3

S 2915 ES—4

S 2915 ES—5