

108TH CONGRESS  
2D SESSION

# S. 2396

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

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## IN THE SENATE OF THE UNITED STATES

MAY 10, 2004

Mr. HATCH (for himself, Mr. LEAHY, Mr. CHAMBLISS, Mr. DURBIN, Mr. SCHUMER, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

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

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

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

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Federal Courts Improvement Act of 2004”.

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

Sec. 1. Short title and table of contents.

TITLE I—JUDICIAL PROCESS IMPROVEMENTS

- Sec. 101. Authority of bankruptcy administrators to appoint trustees and to serve as trustees in bankruptcy cases in the States of Alabama and North Carolina.
- Sec. 102. Venue in bankruptcy cases.
- Sec. 103. Place of holding court in Texarkana, Texas, and Texarkana, Arkansas.
- Sec. 104. Change in composition of divisions of western district of Texas.
- Sec. 105. Change of composition of divisions of western district of Tennessee.
- Sec. 106. Place of holding court in the northern district of New York.
- Sec. 107. Juror fees.
- Sec. 108. Supplemental attendance fee for petit jurors serving on lengthy trials.
- Sec. 109. Authority of district courts as to a jury summons.
- Sec. 110. Automatic excuse upon request from jury service for members of the Armed Services, members of fire and police departments, and public officers.
- Sec. 111. Elimination of the public drawing requirements for juror wheels.
- Sec. 112. Conditions of probation and supervised release.
- Sec. 113. Clarifying the scope of diversity of citizenship for resident aliens.
- Sec. 114. Clarifying the scope of diversity of citizenship for corporations with foreign contacts.
- Sec. 115. Reporting of wiretap orders.
- Sec. 116. Magistrate judge participation at circuit conferences.
- Sec. 117. Repeal of Obsolete Speedy Trial Act cross references to the Narcotic Addict Rehabilitation Act.
- Sec. 118. Taxing of court technology costs.
- Sec. 119. Investment of court registry funds.
- Sec. 120. Emergency authority to conduct court proceedings outside the territorial jurisdiction of the court.
- Sec. 121. Restriction of public access to certain information contained in bankruptcy case files.
- Sec. 122. Security of social security account number of debtor in notice debtor provides to creditor.

TITLE II—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS,  
AND PROTECTIONS

- Sec. 201. Disability retirement and cost-of-living adjustments of annuities for territorial judges.
- Sec. 202. Federal Judicial Center personnel matters.
- Sec. 203. Annual leave limit for judicial branch executives.
- Sec. 204. Supplemental benefits program.
- Sec. 205. Student loan forgiveness for Federal defenders.
- Sec. 206. Law clerk loan deferment.
- Sec. 207. Inclusion of judicial branch personnel in organ donor leave program.
- Sec. 208. Transportation and subsistence for Criminal Justice Act defendants.
- Sec. 209. Maximum amounts of compensation for attorneys.
- Sec. 210. Maximum amounts of compensation for services other than counsel.
- Sec. 211. Excess compensation delegation authority.
- Sec. 212. Protection against malicious recording of fictitious liens against Federal judges.
- Sec. 213. Appointing authority for circuit librarians.
- Sec. 214. Judicial branch security requirements.
- Sec. 215. Bankruptcy, magistrate, and territorial judges life insurance.
- Sec. 216. Health insurance for surviving family and spouses of judges.

1       **TITLE I—JUDICIAL PROCESS**  
2                   **IMPROVEMENTS**

3       **SEC. 101. AUTHORITY OF BANKRUPTCY ADMINISTRATORS**  
4                   **TO APPOINT TRUSTEES AND TO SERVE AS**  
5                   **TRUSTEES IN BANKRUPTCY CASES IN THE**  
6                   **STATES OF ALABAMA AND NORTH CAROLINA.**

7       Until the amendments made by subtitle A of title II  
8 of the Bankruptcy Judges, United States Trustees, and  
9 Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581  
10 note; Public Law 99–554; 100 Stat. 3088) become effec-  
11 tive in and with respect to a judicial district in the State  
12 of Alabama, or in and with respect to a judicial district  
13 in the State of North Carolina—

14               (1) a reference in sections 303(g), 701(a),  
15               703(b), 703(c), 1102(a), 1104(d), 1163, 1202, and  
16               1302 of title 11, United States Code, to the United  
17               States trustee shall be deemed to be a reference to  
18               the bankruptcy administrator appointed and serving  
19               in such district under the authority of section  
20               302(d)(3)(I) of such Act;

21               (2) a reference in sections 1202(a) and 1302(a)  
22               of title 11, United States Code, to section 586(b) of  
23               title 28, United States Code, shall be deemed to be  
24               a reference to such section as modified in operation  
25               by the other provisions of this section;

1           (3) a reference in sections 701(a)(1) and 703(c)  
2 of title 11, United States Code, to a panel of private  
3 trustees established under section 586(a)(1) of title  
4 28, United States Code, shall be deemed to be a ref-  
5 erence to the panel of private trustees established in  
6 such district under the authority of section  
7 302(d)(3)(I)(i) of such Act; and

8           (4) a reference in subsections (b), (d), and (e)  
9 of section 586 of title 28, United States Code—

10           (A) to the Attorney General shall be  
11 deemed to be a reference to the Director of the  
12 Administrative Office of the United States  
13 Courts;

14           (B) to the United States trustee for the re-  
15 gion shall be deemed to be a reference to the  
16 bankruptcy administrator appointed for such  
17 district;

18           (C) to a standing trustee shall be deemed  
19 to be a reference to a standing trustee ap-  
20 pointed by the bankruptcy administrator;

21           (D) to the designation of 1 or more assist-  
22 ant United States trustees shall be disregarded;  
23 and

24           (E) to the deposit in the United States  
25 Trustee System Fund shall be deemed to be a

1 reference to the payment to the clerk of the  
 2 court for deposit in the Treasury;  
 3 for purposes of cases pending under title 11, United  
 4 States Code, in such district.

5 **SEC. 102. VENUE IN BANKRUPTCY CASES.**

6 Section 1412 of title 28, United States Code, is  
 7 amended by inserting “, on its own motion or on timely  
 8 motion of a party in interest,” after “A district court”.

9 **SEC. 103. PLACE OF HOLDING COURT IN TEXARKANA,  
 10 TEXAS, AND TEXARKANA, ARKANSAS.**

11 Sections 83(b)(1) and 124(c)(5) of title 28, United  
 12 States Code, are each amended by inserting after “held  
 13 at Texarkana” the following: “, and may be held anywhere  
 14 within the Federal courthouse in Texarkana that is lo-  
 15 cated astride the State line between Texas and Arkansas”.

16 **SEC. 104. CHANGE IN COMPOSITION OF DIVISIONS OF  
 17 WESTERN DISTRICT OF TEXAS.**

18 (a) IN GENERAL.—Section 124(d) of title 28, United  
 19 States Code, is amended—

20 (1) in paragraph (3), by striking “county of El  
 21 Paso” and inserting “counties of El Paso and  
 22 Hudspeth”; and

23 (2) in paragraph (6), by striking “Hudspeth,”.

24 (b) EFFECTIVE DATE.—

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

4           (2) PENDING CASES NOT AFFECTED.—This sec-  
5           tion and the amendments made by this section shall  
6           not affect any action commenced before the effective  
7           date of this section and pending in the United  
8           States District Court for the Western District of  
9           Texas on such date.

10          (3) JURIES NOT AFFECTED.—This section and  
11          the amendments made by this section shall not af-  
12          fect the composition, or preclude the service, of any  
13          grand or petit jury summoned, impaneled, or actu-  
14          ally serving in the Western Judicial District of  
15          Texas on the effective date of this section.

16 **SEC. 105. CHANGE OF COMPOSITION OF DIVISIONS OF**  
17 **WESTERN DISTRICT OF TENNESSEE.**

18          (a) IN GENERAL.—Section 123(c) of title 28, United  
19 States Code, is amended—

20               (1) in paragraph (1)—

21                     (A) by inserting “Dyer,” after “Decatur,”;

22                     and

23                     (B) in the last sentence by inserting “and  
24                     Dyersburg” after “Jackson”; and

25               (2) in paragraph (2)—

1 (A) by striking “Dyer,”; and

2 (B) in the second sentence, by striking  
3 “and Dyersburg”.

4 (b) EFFECTIVE DATE.—

5 (1) IN GENERAL.—This section and the amend-  
6 ments made by this section shall take effect on the  
7 date of enactment of this Act.

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

14 (3) JURIES NOT AFFECTED.—This section and  
15 the amendments made by this section shall not af-  
16 fect the composition, or preclude the service, of any  
17 grand or petit jury summoned, impaneled, or actu-  
18 ally serving in the Western Judicial District of Ten-  
19 nessee on the effective date of this section.

20 **SEC. 106. PLACE OF HOLDING COURT IN THE NORTHERN**  
21 **DISTRICT OF NEW YORK.**

22 Section 112(a) of title 28, United States Code, is  
23 amended by striking “and Watertown” and inserting  
24 “Watertown, and Plattsburgh”.

1 **SEC. 107. JUROR FEES.**

2 (a) IN GENERAL.—Section 1871(b)(1) of title 28,  
3 United States Code, is amended by striking “\$40” and  
4 inserting “\$50”.

5 (b) EFFECTIVE DATE.—The amendment made by  
6 this section shall take effect on October 1, 2004.

7 **SEC. 108. SUPPLEMENTAL ATTENDANCE FEE FOR PETIT**  
8 **JURORS SERVING ON LENGTHY TRIALS.**

9 (a) IN GENERAL.—Section 1871(b)(2) of title 28,  
10 United States Code, is amended by striking “thirty” in  
11 each place it occurs, and inserting “5”.

12 (b) EFFECTIVE DATE.—The amendment made by  
13 this section shall take effect on October 1, 2004.

14 **SEC. 109. AUTHORITY OF DISTRICT COURTS AS TO A JURY**  
15 **SUMMONS.**

16 Section 1866(g) of title 28, United States Code, is  
17 amended in the first sentence—

18 (1) by striking “shall” and inserting “may”;

19 and

20 (2) by striking “his”.

21 **SEC. 110. AUTOMATIC EXCUSE UPON REQUEST FROM JURY**  
22 **SERVICE FOR MEMBERS OF THE ARMED**  
23 **SERVICES, MEMBERS OF FIRE AND POLICE**  
24 **DEPARTMENTS, AND PUBLIC OFFICERS.**

25 (a) REMOVAL OF EXEMPTION.—Section 1863(b) of  
26 title 28, United States Code, is amended by—

1 (1) striking paragraph (6); and

2 (2) redesignating paragraphs (7) and (8) as  
3 paragraphs (6) and (7), respectively.

4 (b) PERMANENT EXCUSE.—Section 1863(b)(5) of  
5 title 28, United States Code, is amended by striking sub-  
6 paragraph (B) and inserting the following:

7 “(B) specify that the following persons,  
8 upon individual request, shall be excused from  
9 jury service:

10 “(i) Members in active service in the  
11 Armed Forces of the United States.

12 “(ii) Members of the fire or police de-  
13 partments of any State, the District of Co-  
14 lumbia, any territory or possession of the  
15 United States, or any subdivision of a  
16 State, the District of Columbia, or such  
17 territory or possession.

18 “(iii) Public officers in the executive,  
19 legislative, or judicial branches of the Gov-  
20 ernment of the United States, or of any  
21 State, the District of Columbia, any terri-  
22 tory or possession of the United States, or  
23 any subdivision of a State, the District of  
24 Columbia, or such territory or possession,

1           who are actively engaged in the perform-  
2           ance of official duties.

3           “(iv)(I) Volunteer safety personnel.

4           “(II) In this clause, the term ‘volun-  
5           teer safety personnel’ means individuals  
6           serving a public agency (as defined in sec-  
7           tion 1203(6) of title I of the Omnibus  
8           Crime Control and Safe Streets Act of  
9           1968) in an official capacity, without com-  
10          pensation, as firefighters or members of a  
11          rescue squad or ambulance crew.”.

12          (c) TECHNICAL AND CONFORMING AMENDMENTS.—

13           (1) Section 1865(a) of title 28, United States  
14          Code, is amended in the first sentence by striking  
15          “or exempt,”.

16           (2) Section 1866 of title 28, United States  
17          Code, is amended—

18           (A) in subsection (a), in the first sentence  
19          by striking “exempt or”;

20           (B) in subsection (c), in the first sen-  
21          tence—

22           (i) by striking “or (6)”; and

23           (ii) by striking “excused, or exempt”  
24          and inserting “or excused”; and

1 (C) in subsection (d), by striking “ex-  
2 empt,”.

3 (3) Section 1869(h) of title 28, United States  
4 Code, is amended in the first sentence by striking  
5 “or exempted”.

6 **SEC. 111. ELIMINATION OF THE PUBLIC DRAWING RE-**  
7 **QUIREMENTS FOR JUROR WHEELS.**

8 (a) DRAWING OF NAMES FROM JURY WHEEL.—Sec-  
9 tion 1864(a) of title 28, United States Code, is amended—

10 (1) in the first sentence, by striking the term  
11 “publicly”; and

12 (2) by inserting after the first sentence “The  
13 clerk or jury commission shall post a general notice  
14 for public review in the clerk’s office explaining the  
15 process by which names are periodically and ran-  
16 domly drawn.”.

17 (b) SELECTION AND SUMMONING OF JURY PAN-  
18 ELS.—Section 1866(a) of title 28, United States Code, is  
19 amended—

20 (1) in the second sentence by striking the term  
21 “publicly”; and

22 (2) by inserting after the second sentence “The  
23 clerk or jury commission shall post a general notice  
24 for public review in the clerk’s office explaining the

1 process by which names are periodically and ran-  
2 domly drawn.”.

3 (c) TECHNICAL AND CONFORMING AMENDMENTS.—  
4 Section 1869 of title 28, United States Code, is amend-  
5 ed—

6 (1) by striking subsection (k); and

7 (2) by redesignating subsection (l) as subsection  
8 (k).

9 **SEC. 112. CONDITIONS OF PROBATION AND SUPERVISED**  
10 **RELEASE.**

11 (a) CONDITIONS OF PROBATION.—Section  
12 3563(a)(2) of title 18, United States Code, is amended  
13 by striking “(b)(2), (b)(3), or (b)(13),” and inserting  
14 “(b)(2) or (b)(12), unless the court has imposed a fine  
15 under this chapter, or”.

16 (b) SUPERVISED RELEASE AFTER IMPRISONMENT.—  
17 Section 3583(d) of title 18, United States Code, is amend-  
18 ed by striking “section 3563(b)(1)” and all that follows  
19 through “appropriate.” and inserting “section 3563(b)  
20 and any other condition it considers to be appropriate, ex-  
21 cept that a condition set forth in section 3563(b)(10) shall  
22 be imposed only for a violation of a condition of supervised  
23 release in accordance with subsection (e)(2) and only when  
24 facilities are available.”.

1 (c) TECHNICAL AND CONFORMING AMENDMENT.—  
2 Section 3563(b)(10) of title 18, United States Code, is  
3 amended by inserting “or supervised release” after “pro-  
4 bation”.

5 **SEC. 113. CLARIFYING THE SCOPE OF DIVERSITY OF CITI-  
6 ZENSHIP FOR RESIDENT ALIENS.**

7 (a) IN GENERAL.—Section 1332(a) of title 28,  
8 United States Code, is amended by striking the last sen-  
9 tence and inserting the following: “The district courts  
10 shall not have original jurisdiction under paragraph (2)  
11 or (3) where the matter in controversy is between a citizen  
12 of a State and a citizen or subject of a foreign state admit-  
13 ted to the United States for permanent residence and  
14 domiciled in the same State.”.

15 (b) EFFECTIVE DATE.—The amendments made by  
16 this section shall take effect on the date of enactment of  
17 this Act and apply only to actions filed on or after such  
18 date.

19 **SEC. 114. CLARIFYING THE SCOPE OF DIVERSITY OF CITI-  
20 ZENSHIP FOR CORPORATIONS WITH FOR-  
21 EIGN CONTACTS.**

22 (a) IN GENERAL.—Section 1332(c) of title 28,  
23 United States Code, is amended by striking paragraph (1)  
24 and inserting the following:

1           “(1) a corporation shall be deemed a citizen of  
2           every State and foreign state by which it has been  
3           incorporated and of the State or foreign state where  
4           it has its principal place of business; and”.

5           (b) **EFFECTIVE DATE.**—The amendments made by  
6           this section shall take effect on the date of enactment of  
7           this Act and apply only to actions filed on or after such  
8           date.

9           **SEC. 115. REPORTING OF WIRETAP ORDERS.**

10          Paragraph (1) of section 2519 of title 18, United  
11          States Code, is amended by striking all that precedes  
12          “(a)” and inserting the following:

13                 “(1) In January of each year, any judge who  
14                 has issued an order (or extension thereof) under sec-  
15                 tion 2518 which expired during the preceding year  
16                 or who has denied approval of an interception during  
17                 that year, shall report to the Administrative Office  
18                 of the United States Courts—”.

19          **SEC. 116. MAGISTRATE JUDGE PARTICIPATION AT CIRCUIT**  
20                         **CONFERENCES.**

21          Section 333 of title 28, United States Code, is  
22          amended in the first sentence by inserting “magistrate,”  
23          after “district,”.

1 **SEC. 117. REPEAL OF OBSOLETE SPEEDY TRIAL ACT CROSS**  
2 **REFERENCES TO THE NARCOTIC ADDICT RE-**  
3 **HABILITATION ACT.**

4 Section 3161(h) of title 18, United States Code, is  
5 amended—

6 (1) in paragraph (1)—

7 (A) by striking subparagraphs (B) and  
8 (C); and

9 (B) by redesignating subparagraphs (D)  
10 through (J) as subparagraphs (B) through (H),  
11 respectively;

12 (2) by striking paragraph (5); and

13 (3) by redesignating paragraphs (6) through  
14 (9) as paragraphs (5) through (8), respectively.

15 **SEC. 118. TAXING OF COURT TECHNOLOGY COSTS.**

16 Section 1920 of title 28, United States Code, is  
17 amended—

18 (1) in paragraph (2) by striking “of the court  
19 reporter for all or any part of the stenographic tran-  
20 script” and inserting “for printed or electronically  
21 recorded transcripts;”; and

22 (2) in paragraph (4) by striking “copies of pa-  
23 pers” and inserting “the costs of making copies of  
24 any materials where the copies are.”.

1 **SEC. 119. INVESTMENT OF COURT REGISTRY FUNDS.**

2 (a) IN GENERAL.—Chapter 129 of title 28, United  
3 States Code, is amended by inserting after section 2044  
4 the following:

5 **“§ 2045. Investment of court registry funds**

6 “(a) The Director of the Administrative Office of the  
7 United States Courts, or the Director’s designee under  
8 subsection (b), may request the Secretary of the Treasury  
9 to invest funds received under section 2041 in public debt  
10 securities with maturities suitable to the needs of the  
11 funds, as determined by the Director or the Director’s des-  
12 ignee, and bearing interest at a rate determined by the  
13 Secretary of the Treasury, taking into consideration cur-  
14 rent market yields on outstanding marketable obligations  
15 of the United States of comparable maturity.

16 “(b) The Director may designate the clerk of a court  
17 described in section 610 to exercise the authority con-  
18 ferred by subsection (a).”.

19 (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
20 The table of sections for chapter 129 of title 28, United  
21 States Code, is amended by adding after the item relating  
22 to section 2044 the following:

“2045. Investment of court registry funds.”.

1 **SEC. 120. EMERGENCY AUTHORITY TO CONDUCT COURT**  
2 **PROCEEDINGS OUTSIDE THE TERRITORIAL**  
3 **JURISDICTION OF THE COURT.**

4 (a) **CIRCUIT COURTS.**—Section 48 of title 28, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7 “(e) Each court of appeals may hold special sessions  
8 at any place outside the circuit as the nature of the busi-  
9 ness may require and upon such notice as the court orders,  
10 upon a finding by either the chief judge of the court of  
11 appeals (or, if the chief judge is unavailable, the most sen-  
12 ior available active judge of the court of appeals) or the  
13 judicial council of the circuit that, because of emergency  
14 conditions, no location within the circuit is reasonably  
15 available where such special sessions could be held. The  
16 court may transact any business at a special session out-  
17 side the circuit which it might transact at a regular ses-  
18 sion.”.

19 (b) **DISTRICT COURTS.**—Section 141 of title 28,  
20 United States Code, is amended—

21 (1) by inserting “(a)” before “special sessions”;

22 and

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

24 “(b) Special sessions of the district court may be held  
25 at such places outside the district as the nature of the  
26 business may require and upon such notice as the court

1 orders, upon a finding by either the chief judge of the dis-  
2 trict court (or, if the chief judge is unavailable, the most  
3 senior available active judge of the district court) or the  
4 judicial council of the circuit that, because of emergency  
5 conditions, no location within the district is reasonably  
6 available where such special sessions could be held. Any  
7 business may be transacted at a special session outside  
8 the district which might be transacted at a regular session.  
9 The district court may summon jurors from within the dis-  
10 trict to serve in any case in which special sessions are con-  
11 ducted outside the district under this section.”.

12 (c) BANKRUPTCY COURTS.—Section 152(c) of title  
13 28, United States Code, is amended—

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

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

16 “(2) Bankruptcy judges may hold court at such  
17 places outside the judicial district as the nature of the  
18 business of the court may require, and upon such notice  
19 as the court orders, upon a finding by either the chief  
20 judge of the bankruptcy court (or, if the chief judge is  
21 unavailable, the most senior available bankruptcy judge)  
22 or by the judicial council of the circuit that, because of  
23 emergency conditions, no location within the district is  
24 reasonably available where the bankruptcy judges could  
25 hold court. Bankruptcy judges may transact any business

1 at special sessions of court held outside the district that  
2 might be transacted at a regular session.”.

3 (d) UNITED STATES MAGISTRATE JUDGES.—Section  
4 636 of title 28, United States Code, is amended in sub-  
5 section (a) by striking “territorial jurisdiction prescribed  
6 by his appointment” and inserting “district in which ses-  
7 sions are held by the court that appointed the magistrate  
8 judge, at other places where that court may function, and  
9 elsewhere as authorized by law”.

10 **SEC. 121. RESTRICTION OF PUBLIC ACCESS TO CERTAIN IN-**  
11 **FORMATION CONTAINED IN BANKRUPTCY**  
12 **CASE FILES.**

13 Section 107 of title 11, United States Code, is  
14 amended by striking subsection (b) and inserting the fol-  
15 lowing:

16 “(b) On request of a party in interest, the bankruptcy  
17 court shall, and on the bankruptcy court’s own motion,  
18 the bankruptcy court may, protect an entity with respect  
19 to a trade secret or confidential research, development, or  
20 commercial information.

21 “(c) The bankruptcy court for cause may protect a  
22 person with respect to the following contained in a paper  
23 filed, or to be filed, in a case under this title:

24 “(1) Any ‘means of identification’ as defined  
25 under section 1028(d)(4) of title 18.

1           “(2) Information that could cause undue annoy-  
2           ance, embarrassment, oppression, or risk of injury to  
3           person or property.”.

4 **SEC. 122. SECURITY OF SOCIAL SECURITY ACCOUNT NUM-**  
5           **BER OF DEBTOR IN NOTICE DEBTOR PRO-**  
6           **VIDES TO CREDITOR.**

7           Section 342(e) of title 11, United States Code, is  
8           amended by inserting “last 4 digits of the” before “tax-  
9           payer identification number”.

10 **TITLE II—JUDICIAL PERSONNEL**  
11           **ADMINISTRATION, BENEFITS,**  
12           **AND PROTECTIONS**

13 **SEC. 201. DISABILITY RETIREMENT AND COST-OF-LIVING**  
14           **ADJUSTMENTS OF ANNUITIES FOR TERRI-**  
15           **TORIAL JUDGES.**

16           Section 373 of title 28, United States Code, is  
17           amended—

18           (1) in subsection (c) by striking paragraph (4)  
19           and inserting the following:

20           “(4) Any senior judge performing judicial du-  
21           ties pursuant to recall under paragraph (2) of this  
22           subsection shall be paid, while performing such du-  
23           ties, the same compensation (in lieu of the annuity  
24           payable under this section) and the same allowances

1 for travel and other expenses as a judge on active  
2 duty with the court being served.”;

3 (2) by striking subsection (e) and inserting the  
4 following:

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

11 “(A) if the judicial service of such judge, con-  
12 tinuous or otherwise, aggregates 15 years or more,  
13 to receive during the remainder of such judge’s life  
14 an annuity equal to the salary received when the  
15 judge left office; or

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

22 “(2) Any judge of the District Court of Guam, the  
23 District Court of the Northern Mariana Islands, or the  
24 District Court of the Virgin Islands who has served at  
25 least 5 years, continuously or otherwise, and who retires

1 or is removed upon the sole ground of mental or physical  
 2 disability, shall be entitled to receive during the remainder  
 3 of such judge's life an annuity equal to 40 percent of the  
 4 salary received when the judge left office or, in the case  
 5 of a judge who has served at least 10 years, continuously  
 6 or otherwise, an annuity equal to that proportion of such  
 7 salary which the aggregate number of such judge's years  
 8 of judicial service bears to 15.”; and

9 (3) by striking subsection (g) and inserting the  
 10 following:

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

19 **SEC. 202. FEDERAL JUDICIAL CENTER PERSONNEL MAT-**  
 20 **TERS.**

21 Section 625 of title 28, United States Code, is  
 22 amended—

23 (1) in subsection (b)—

24 (A) by striking “, United States Code, gov-

25 erning” and inserting “governing”;

1           (B) by striking “pay rates, section 5316,  
2           title 5, United States Code” and inserting  
3           “under section 5316 of title 5, except that the  
4           Director may fix the compensation of 4 posi-  
5           tions of the Center at a level not to exceed the  
6           annual rate of pay in effect for level IV of the  
7           Executive Schedule under section 5315 of title  
8           5”; and

9           (C) by striking “the Civil Service” and all  
10          that follows through “Code” and inserting  
11          “subchapter III of chapter 83 of title 5 shall be  
12          adjusted under section 8344 of such title, and  
13          the salary of a reemployed annuitant under  
14          chapter 84 of title 5 shall be adjusted under  
15          section 8468 of such title”;

16          (2) in subsection (c), by striking “, United  
17          States Code,”; and

18          (3) in subsection (d)—

19                  (A) by striking “United States Code,”; and

20                  (B) by striking “, section 5332, title 5,  
21          United States Code” and inserting “under sec-  
22          tion 5332 of title 5”.

1 **SEC. 203. ANNUAL LEAVE LIMIT FOR JUDICIAL BRANCH EX-**  
2 **ECUTIVES.**

3 Section 6304(f)(1) of title 5, United States Code, is  
4 amended—

5 (1) in subparagraph (D), by striking “or”;

6 (2) in subparagraph (E) by striking the period  
7 and inserting “; or”; and

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

9 “(F) the judicial branch designated as a  
10 court unit executive position by the Judicial  
11 Conference of the United States or designated  
12 as an executive position in the Federal Judicial  
13 Center by the Board of the Federal Judicial  
14 Center.”.

15 **SEC. 204. SUPPLEMENTAL BENEFITS PROGRAM.**

16 Section 604(a) of title 28, United States Code, is  
17 amended—

18 (1) by redesignating paragraphs (6) through  
19 (24) as paragraphs (7) through (25), respectively;  
20 and

21 (2) by inserting after paragraph (5) the fol-  
22 lowing:

23 “(6) In the Director’s discretion, establish a  
24 program of benefits, in addition to those otherwise  
25 provided by law, for officers and employees of the ju-



1 a federally insured student loan may be deferred not  
2 in excess of 3 years.”.

3 (2) AMENDMENTS TO SECTION 428.—Section  
4 428(b)(1)(M) of the Higher Education Act of 1965  
5 (20 U.S.C. 1078(b)(1)(M)) is amended—

6 (A) in clause (i)(I), by striking “or” after  
7 the semicolon;

8 (B) in subclause (II), by striking the  
9 comma and inserting “; or”; and

10 (C) by inserting at the end the following:

11 “(III) is serving as a full-time ju-  
12 dicial law clerk in a court as defined  
13 under section 610 of title 28, United  
14 States Code, or a law clerk appointed  
15 under section 675 of that title.”.

16 (b) DIRECT LOANS.—Section 455(f)(2)(A) of the  
17 Higher Education Act of 1965 (20 U.S.C. 1087e(f)(2)(A))  
18 is amended—

19 (1) in clause (i), by striking “or” after the  
20 semicolon;

21 (2) in clause (ii), by striking the comma and in-  
22 serting “; or”; and

23 (3) by inserting at the end the following:

24 “(iii) is serving as a full-time judicial  
25 law clerk, in a court as defined under sec-

1                   tion 610 of title 28, United States Code, or  
2                   a law clerk appointed under section 675 of  
3                   that title.”.

4           (c)     FEDERAL     PERKINS     LOANS.—Section  
5 464(c)(2)(A) of the Higher Education Act of 1965 (20  
6 U.S.C. 1087dd(c)(2)(A)) is amended—

7           (1) in clause (iii), by striking “or” after the  
8           semicolon;

9           (2) in clause (iv), by inserting “or” after the  
10          semicolon; and

11          (3) by inserting at the end the following:

12               “(v) not in excess of 3 years during which the  
13          borrower is serving as a full-time judicial law clerk  
14          in a court as defined under section 610 of title 28,  
15          United States Code, or a law clerk appointed under  
16          section 675 of that title;”.

17          (d) EFFECTIVE DATE.—The amendments made by  
18          this section shall apply to—

19               (1) loans made after July 1, 1998; and

20               (2) employment as a judicial clerk that occurs  
21          on or after the date of enactment of this Act.

1 **SEC. 207. INCLUSION OF JUDICIAL BRANCH PERSONNEL IN**  
2 **ORGAN DONOR LEAVE PROGRAM.**

3 Section 6327(a) of title 5, United States Code, is  
4 amended by inserting “or an entity of the judicial branch”  
5 after “An employee in or under an Executive agency”.

6 **SEC. 208. TRANSPORTATION AND SUBSISTENCE FOR CRIMI-**  
7 **NAL JUSTICE ACT DEFENDANTS.**

8 Section 4285 of title 18, United States Code, is  
9 amended—

10 (1) in the first sentence, by striking “to appear  
11 before the required court”;

12 (2) by striking “to the place where his appear-  
13 ance is required,” and inserting “(1) to the place  
14 where each appearance is required and (2) to return  
15 to the place of his arrest or bona fide residence,”;

16 (3) by inserting “during travel” after “subsist-  
17 ence expenses”; and

18 (4) by striking “to his destination,” and insert-  
19 ing “to his destination and during any proceeding at  
20 which his appearance is required,”.

21 **SEC. 209. MAXIMUM AMOUNTS OF COMPENSATION FOR AT-**  
22 **TORNEYS.**

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

25 (1) by striking “5,200” and inserting “7,000”;

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

1 (3) by striking “3,700” and inserting “5,000”;

2 (4) by striking “1,200” each place it appears

3 and inserting “1,500”; and

4 (5) by striking “3,900” and inserting “5,000”.

5 **SEC. 210. MAXIMUM AMOUNTS OF COMPENSATION FOR**  
6 **SERVICES OTHER THAN COUNSEL.**

7 Section 3006A(e) of title 18, United States Code, is  
8 amended—

9 (1) in paragraph (2)—

10 (A) in subparagraph (A), by striking  
11 “\$300” and inserting “\$500”; and

12 (B) in subparagraph (B), by striking  
13 “\$300” and inserting “\$500”; and

14 (2) in paragraph (3) in the first sentence by  
15 striking “\$1,000” and inserting “\$1,600”.

16 **SEC. 211. EXCESS COMPENSATION DELEGATION AUTHOR-**  
17 **ITY.**

18 (a) **WAIVING MAXIMUM AMOUNTS.**—Section  
19 3006A(d)(3) of title 18, United States Code, is amended  
20 in the second sentence by striking “circuit judge” and in-  
21 serting “or senior circuit judge, or to an appropriate non-  
22 judicial officer qualified by training and legal experience.  
23 In any case in which the delegate judge or nonjudicial offi-  
24 cer reduces the excess payment certified by the court, the  
25 claimant may seek review by the chief judge”.

1 (b) MAXIMUM AMOUNTS.—Section 3006A(e)(3) of  
2 title 18, United States Code, is amended in the second  
3 sentence by striking “circuit judge” and inserting “or sen-  
4 ior circuit judge, or to an appropriate nonjudicial officer  
5 qualified by training and legal experience. In any case in  
6 which the delegate judge or nonjudicial officer reduces the  
7 excess payment certified by the court, the claimant may  
8 seek review by the chief judge”.

9 (c) CONTROLLED SUBSTANCES CASES.—Section  
10 408(q)(10)(B) of the Controlled Substances Act (21  
11 U.S.C. 848(q)(10)(B)) is amended in the second sentence  
12 by striking “circuit judge” and inserting “or senior circuit  
13 judge, or to an appropriate nonjudicial officer qualified by  
14 training and legal experience. In any case in which the  
15 delegate judge or nonjudicial officer reduces the excess  
16 payment certified by the court, the claimant may seek re-  
17 view by the chief judge”.

18 **SEC. 212. PROTECTION AGAINST MALICIOUS RECORDING**  
19 **OF FICTITIOUS LIENS AGAINST FEDERAL**  
20 **JUDGES.**

21 (a) IN GENERAL.—Chapter 73 of title 18, United  
22 States Code, is amended by adding at the end the fol-  
23 lowing:

1 **“§ 1521. Retaliating against a Federal judge by false**  
2 **claim or slander of title**

3 “(a) Whoever files or attempts to file, in any public  
4 record or in any private record which is generally available  
5 to the public, any lien or encumbrance against the real  
6 or personal property of a Federal judge, knowing or hav-  
7 ing reason to know that such lien or encumbrance is false  
8 or contains any materially false, fictitious, or fraudulent  
9 statement or representation, shall be fined under this title  
10 or imprisoned for not more than 5 years, or both. In the  
11 case of an offense under this subsection which was com-  
12 mitted after the defendant had previously been convicted  
13 of an earlier offense under this subsection, the defendant  
14 shall be fined under this title or imprisoned for not more  
15 than 10 years, or both.

16 “(b) In this section, the term ‘Federal judge’ means  
17 a justice or judge of the United States as defined under  
18 section 451 of title 28, a judge of the United States Court  
19 of Federal Claims, a United States bankruptcy judge, a  
20 United States magistrate judge, and a judge of the United  
21 States Court of Appeals for the Armed Forces, United  
22 States Court of Appeals for Veterans Claims, United  
23 States Tax Court, District Court of Guam, District Court  
24 of the Northern Mariana Islands, or District Court of the  
25 Virgin Islands.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
2 The table of sections for chapter 73 of title 18, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

“1521. Retaliating against a Federal judge by false claim or slander of title.”.

5 **SEC. 213. APPOINTING AUTHORITY FOR CIRCUIT LIBRAR-**  
6 **IANs.**

7 Section 713 of title 28, United States Code, is  
8 amended—

9 (1) in subsection (a)—

10 (A) by striking “Each court of appeals”  
11 and inserting “The judicial council of each cir-  
12 cuit”; and

13 (B) striking “the court” and inserting “the  
14 judicial council”; and

15 (2) in subsection (b), by striking “court” each  
16 place it appears and inserting “judicial council”.

17 **SEC. 214. JUDICIAL BRANCH SECURITY REQUIREMENTS.**

18 Section 604(a) of title 28, United States Code, is  
19 amended—

20 (1) by redesignating paragraphs (22) through  
21 (24) as paragraphs (23) through (25), respectively;  
22 and

23 (2) by inserting after paragraph (21) the fol-  
24 lowing:

1           “(22) After consultation with the United States  
2           Marshals Service, and others if necessary, determine  
3           the security requirements for the Judicial Branch;”.

4 **SEC. 215. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL**  
5 **JUDGES LIFE INSURANCE.**

6           (a) **BANKRUPTCY JUDGES.**—Section 153 of title 28,  
7 United States Code, is amended by adding at the end the  
8 following:

9           “(d) For purposes of construing and applying chapter  
10 87 of title 5, including any adjustment of insurance rates  
11 by regulation or otherwise, a bankruptcy judge of the  
12 United States in regular active service or who is retired  
13 under section 377 of this title shall be deemed to be a  
14 judge of the United States described under section  
15 8701(a)(5) of title 5.”.

16           (b) **UNITED STATES MAGISTRATE JUDGES.**—Section  
17 634(c) of title 28, United States Code, is amended—

18           (1) by inserting “(1)” after “(c)”; and

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

20           “(2) For purposes of construing and applying  
21 chapter 87 of title 5, including any adjustment of in-  
22 surance rates by regulation or otherwise, a mag-  
23 istrate judge of the United States in regular active  
24 service or who is retired under section 377 of this  
25 title shall be deemed to be a judge of the United

1 States described under section 8701(a)(5) of title  
2 5.”.

3 (c) TERRITORIAL JUDGES.—

4 (1) GUAM.—Section 24 of the Organic Act of  
5 Guam (48 U.S.C. 1424b) is amended by adding at  
6 the end the following:

7 “(c) For purposes of construing and applying chapter  
8 87 of title 5, including any adjustment of insurance rates  
9 by regulation or otherwise, a judge appointed under this  
10 section who is in regular active service or who is retired  
11 under section 373 of this title shall be deemed to be a  
12 judge of the United States described under section  
13 8701(a)(5) of title 5.”.

14 (2) COMMONWEALTH OF THE NORTHERN MAR-  
15 IANA ISLANDS.—The first section of the Act of No-  
16 vember 8, 1977 (48 U.S.C. 1821; Public Law 95-  
17 157; 91 Stat. 1265) is amended in subsection (b) by  
18 adding at the end the following:

19 “(5) For purposes of construing and applying  
20 chapter 87 of title 5, including any adjustment of in-  
21 surance rates by regulation or otherwise, a judge ap-  
22 pointed under this section who is in regular active  
23 service or who is retired under section 373 of this  
24 title shall be deemed to be a judge of the United

1 States described under section 8701(a)(5) of title  
2 5.”.

3 (3) VIRGIN ISLANDS.—Section 24(a) of the Re-  
4 vised Organic Act of the Virgin Islands (48 U.S.C.  
5 1614(a)) is amended—

6 (A) by inserting “(1)” after “(a)”; and

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

8 “(2) For purposes of construing and applying  
9 chapter 87 of title 5, including any adjustment of in-  
10 surance rates by regulation or otherwise, a judge ap-  
11 pointed under this section who is in regular active  
12 service or who is retired under section 373 of this  
13 title shall be deemed to be a judge of the United  
14 States described under section 8701(a)(5) of title  
15 5.”.

16 **SEC. 216. HEALTH INSURANCE FOR SURVIVING FAMILY**  
17 **AND SPOUSES OF JUDGES.**

18 Section 8901(3) of title 5, United States Code, is  
19 amended—

20 (1) in subparagraph (C), by striking “and” at  
21 the end;

22 (2) in subparagraph (D), by adding “and” at  
23 the end; and

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

1           “(E) a member of a family who is a sur-  
2           vivor of—

3                   “(i) a Justice or judge of the United  
4                   States, as defined under section 451 of  
5                   title 28, United States Code;

6                   “(ii) a judge of the District Court of  
7                   Guam, the District Court of the Northern  
8                   Mariana Islands, or the District Court of  
9                   the Virgin Islands;

10                  “(iii) a judge of the United States  
11                  Court of Federal Claims; or

12                  “(iv) a United States bankruptcy  
13                  judge or a full-time United States mag-  
14                  istrate judge;”.

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