

In the Senate of the United States,

December 17, 2007.

Resolved, That the bill from the House of Representatives (H.R. 660) entitled “An Act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Court Security Improve-*
3 *ment Act of 2007”.*

4 ***TITLE I—JUDICIAL SECURITY***
5 ***IMPROVEMENTS AND FUNDING***

6 ***SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.***

7 *(a) ENSURING CONSULTATION WITH THE JUDICI-*
8 *ARY.—Section 566 of title 28, United States Code, is*
9 *amended by adding at the end the following:*

1 “(i) *The Director of the United States Marshals Serv-*
2 *ice shall consult with the Judicial Conference of the United*
3 *States on a continuing basis regarding the security require-*
4 *ments for the judicial branch of the United States Govern-*
5 *ment, to ensure that the views of the Judicial Conference*
6 *regarding the security requirements for the judicial branch*
7 *of the Federal Government are taken into account when de-*
8 *termining staffing levels, setting priorities for programs re-*
9 *garding judicial security, and allocating judicial security*
10 *resources. In this paragraph, the term ‘judicial security’ in-*
11 *cludes the security of buildings housing the judiciary, the*
12 *personal security of judicial officers, the assessment of*
13 *threats made to judicial officers, and the protection of all*
14 *other judicial personnel. The United States Marshals Serv-*
15 *ice retains final authority regarding security requirements*
16 *for the judicial branch of the Federal Government.”.*

17 (b) *CONFORMING AMENDMENT.—Section 331 of title*
18 *28, United States Code, is amended by adding at the end*
19 *the following:*

20 “*The Judicial Conference shall consult with the Direc-*
21 *tor of United States Marshals Service on a continuing basis*
22 *regarding the security requirements for the judicial branch*
23 *of the United States Government, to ensure that the views*
24 *of the Judicial Conference regarding the security require-*
25 *ments for the judicial branch of the Federal Government*

1 *are taken into account when determining staffing levels, set-*
2 *ting priorities for programs regarding judicial security,*
3 *and allocating judicial security resources. In this para-*
4 *graph, the term ‘judicial security’ includes the security of*
5 *buildings housing the judiciary, the personal security of ju-*
6 *dicial officers, the assessment of threats made to judicial*
7 *officers, and the protection of all other judicial personnel.*
8 *The United States Marshals Service retains final authority*
9 *regarding security requirements for the judicial branch of*
10 *the Federal Government.”.*

11 **SEC. 102. PROTECTION OF UNITED STATES TAX COURT.**

12 *(a) IN GENERAL.—Section 566(a) of title 28, United*
13 *States Code, is amended by striking “and the Court of*
14 *International Trade” and inserting “, the Court of Inter-*
15 *national Trade, and the United States Tax Court, as pro-*
16 *vided by law”.*

17 *(b) INTERNAL REVENUE CODE.—Section 7456(c) of*
18 *the Internal Revenue Code of 1986 (relating to incidental*
19 *powers of the Tax Court) is amended in the matter fol-*
20 *lowing paragraph (3), by striking the period at the end,*
21 *and inserting “and may otherwise provide, when requested*
22 *by the chief judge of the Tax Court, for the security of the*
23 *Tax Court, including the personal protection of Tax Court*
24 *judges, court officers, witnesses, and other threatened per-*
25 *sons in the interests of justice, where criminal intimidation*

1 *impedes on the functioning of the judicial process or any*
2 *other official proceeding. The United States Marshals Serv-*
3 *ice retains final authority regarding security requirements*
4 *for the Tax Court.”.*

5 (c) *REIMBURSEMENT.—The United States Tax Court*
6 *shall reimburse the United States Marshals Service for pro-*
7 *tection provided under the amendments made by this sec-*
8 *tion.*

9 **SEC. 103. ADDITIONAL AMOUNTS FOR UNITED STATES MAR-**
10 **SHALS SERVICE TO PROTECT THE JUDICIARY.**

11 *In addition to any other amounts authorized to be ap-*
12 *propriated for the United States Marshals Service, there are*
13 *authorized to be appropriated for the United States Mar-*
14 *shals Service \$20,000,000 for each of fiscal years 2007*
15 *through 2011 for—*

16 (1) *hiring entry-level deputy marshals for pro-*
17 *viding judicial security;*

18 (2) *hiring senior-level deputy marshals for inves-*
19 *tigating threats to the judiciary and providing pro-*
20 *TECTIVE details to members of the judiciary, assistant*
21 *United States attorneys, and other attorneys em-*
22 *ployed by the Federal Government; and*

23 (3) *for the Office of Protective Intelligence, for*
24 *hiring senior-level deputy marshals, hiring program*
25 *analysts, and providing secure computer systems.*

1 **SEC. 104. FINANCIAL DISCLOSURE REPORTS.**

2 *Section 105(b)(3) of the Ethics in Government Act of*
 3 *1978 (5 U.S.C. App) is amended by striking “2009” each*
 4 *place it appears and inserting “2011”.*

5 **TITLE II—CRIMINAL LAW EN-**
 6 **HANCEMENTS TO PROTECT**
 7 **JUDGES, FAMILY MEMBERS,**
 8 **AND WITNESSES**

9 **SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING**
 10 **OF FICTITIOUS LIENS AGAINST FEDERAL**
 11 **JUDGES AND FEDERAL LAW ENFORCEMENT**
 12 **OFFICERS.**

13 *(a) OFFENSE.—Chapter 73 of title 18, United States*
 14 *Code, is amended by adding at the end the following:*

15 **“§ 1521. Retaliating against a Federal judge or Fed-**
 16 **eral law enforcement officer by false**
 17 **claim or slander of title**

18 *“Whoever files, attempts to file, or conspires to file, in*
 19 *any public record or in any private record which is gen-*
 20 *erally available to the public, any false lien or encumbrance*
 21 *against the real or personal property of an individual de-*
 22 *scribed in section 1114, on account of the performance of*
 23 *official duties by that individual, knowing or having reason*
 24 *to know that such lien or encumbrance is false or contains*
 25 *any materially false, fictitious, or fraudulent statement or*

1 *representation, shall be fined under this title or imprisoned*
2 *for not more than 10 years, or both.”.*

3 (b) *CLERICAL AMENDMENT.—The chapter analysis for*
4 *chapter 73 of title 18, United States Code, is amended by*
5 *adding at the end the following new item:*

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

6 **SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CER-**
7 **TAIN OFFICIAL DUTIES.**

8 (a) *OFFENSE.—Chapter 7 of title 18, United States*
9 *Code, is amended by adding at the end the following:*

10 **“§ 119. Protection of individuals performing certain**
11 **official duties**

12 *“(a) IN GENERAL.—Whoever knowingly makes re-*
13 *stricted personal information about a covered person, or a*
14 *member of the immediate family of that covered person,*
15 *publicly available—*

16 *“(1) with the intent to threaten, intimidate, or*
17 *incite the commission of a crime of violence against*
18 *that covered person, or a member of the immediate*
19 *family of that covered person; or*

20 *“(2) with the intent and knowledge that the re-*
21 *stricted personal information will be used to threaten,*
22 *intimidate, or facilitate the commission of a crime of*
23 *violence against that covered person, or a member of*
24 *the immediate family of that covered person,*

1 *shall be fined under this title, imprisoned not more than*
2 *5 years, or both.*

3 “(b) *DEFINITIONS.—In this section—*

4 “(1) *the term ‘restricted personal information’*
5 *means, with respect to an individual, the Social Secu-*
6 *rity number, the home address, home phone number,*
7 *mobile phone number, personal email, or home fax*
8 *number of, and identifiable to, that individual;*

9 “(2) *the term ‘covered person’ means—*

10 “(A) *an individual designated in section*
11 *1114;*

12 “(B) *a grand or petit juror, witness, or*
13 *other officer in or of, any court of the United*
14 *States, or an officer who may be, or was, serving*
15 *at any examination or other proceeding before*
16 *any United States magistrate judge or other*
17 *committing magistrate;*

18 “(C) *an informant or witness in a Federal*
19 *criminal investigation or prosecution; or*

20 “(D) *a State or local officer or employee*
21 *whose restricted personal information is made*
22 *publicly available because of the participation*
23 *in, or assistance provided to, a Federal criminal*
24 *investigation by that officer or employee;*

1 “(3) the term ‘crime of violence’ has the meaning
2 given the term in section 16; and

3 “(4) the term ‘immediate family’ has the mean-
4 ing given the term in section 115(c)(2).”.

5 (b) *CLERICAL AMENDMENT.*—The table of sections at
6 the beginning of chapter 7 of title 18, United States Code,
7 is amended by adding at the end the following new item:
 “119. Protection of individuals performing certain official duties.”.

8 **SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS**
9 **WEAPONS IN FEDERAL COURT FACILITIES.**

10 Section 930(e)(1) of title 18, United States Code, is
11 amended by inserting “or other dangerous weapon” after
12 “firearm”.

13 **SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION**
14 **AGAINST A WITNESS.**

15 Section 1513 of title 18, United States Code, is amend-
16 ed by adding at the end the following:

17 “(g) A prosecution under this section may be brought
18 in the district in which the official proceeding (whether
19 pending, about to be instituted, or completed) was intended
20 to be affected, or in which the conduct constituting the al-
21 leged offense occurred.”.

22 **SEC. 205. MODIFICATION OR TAMPERING WITH A WITNESS,**
23 **VICTIM, OR AN INFORMANT OFFENSE.**

24 Section 1512 of title 18, United States Code, is
25 amended—

1 (1) *in subsection (a)(3)—*

2 (A) *by amending subparagraph (A) to reads*
3 *as follows:*

4 “(A) *in the case of a killing, the punishment pro-*
5 *vided in sections 1111 and 1112;”;*

6 (B) *in the matter following clause (ii) of*
7 *subparagraph (B) by striking “20 years” and*
8 *inserting “30 years”; and*

9 (C) *in subparagraph (C), by striking “10*
10 *years” and inserting “20 years”;*

11 (2) *in subsection (b), by striking “ten years” and*
12 *inserting “20 years”; and*

13 (3) *in subsection (d), by striking “one year” and*
14 *inserting “3 years”.*

15 **SEC. 206. MODIFICATION OF RETALIATION OFFENSE.**

16 *Section 1513 of title 18, United States Code, is*
17 *amended—*

18 (1) *in subsection (a)(1)(B)—*

19 (A) *by inserting a comma after “proba-*
20 *tion”; and*

21 (B) *by striking the comma which imme-*
22 *diately follows another comma;*

23 (2) *in subsection (a)(2)(B), by striking “20*
24 *years” and inserting “30 years”;*

25 (3) *in subsection (b)—*

1 (A) in paragraph (2)—

2 (i) by inserting a comma after “proba-
3 tion”; and

4 (ii) by striking the comma which im-
5 mediately follows another comma; and

6 (B) in the matter following paragraph (2),
7 by striking “ten years” and inserting “20
8 years”; and

9 (4) by redesignating the second subsection (e) as
10 subsection (f).

11 **SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER**

12 **CRIME AND RELATED CRIMES.**

13 Section 1112(b) of title 18, United States Code, is
14 amended—

15 (1) by striking “ten years” and inserting “15
16 years”; and

17 (2) by striking “six years” and inserting “8
18 years”.

19 **SEC. 208. ASSAULT PENALTIES.**

20 (a) *IN GENERAL.*—Section 115(b) of title 18, United
21 States Code, is amended by striking “(1)” and all that fol-
22 lows through the end of paragraph (1) and inserting the
23 following: “(1) The punishment for an assault in violation
24 of this section is—

25 “(A) a fine under this title; and

1 “(B)(i) if the assault consists of a simple assault,
2 a term of imprisonment for not more than 1 year;

3 “(ii) if the assault involved physical contact with
4 the victim of that assault or the intent to commit an-
5 other felony, a term of imprisonment for not more
6 than 10 years;

7 “(iii) if the assault resulted in bodily injury, a
8 term of imprisonment for not more than 20 years; or

9 “(iv) if the assault resulted in serious bodily in-
10 jury (as that term is defined in section 1365 of this
11 title, and including any conduct that, if the conduct
12 occurred in the special maritime and territorial juris-
13 diction of the United States, would violate section
14 2241 or 2242 of this title) or a dangerous weapon was
15 used during and in relation to the offense, a term of
16 imprisonment for not more than 30 years.”.

17 (b) *CONFORMING AMENDMENT.*—Section 111(a) of
18 title 18, United States Code, is amended by striking “in
19 all other cases” and inserting “where such acts involve
20 physical contact with the victim of that assault or the intent
21 to commit another felony”.

22 **SEC. 209. DIRECTION TO THE SENTENCING COMMISSION.**

23 *The United States Sentencing Commission is directed*
24 *to review the Sentencing Guidelines as they apply to threats*
25 *punishable under section 115 of title 18, United States*

1 Code, that occur over the Internet, and determine whether
2 and by how much that circumstance should aggravate the
3 punishment pursuant to section 994 of title 28, United
4 States Code. In conducting the study, the Commission shall
5 take into consideration the number of such threats made,
6 the intended number of recipients of such threats, and
7 whether the initial senders of such threats were acting in
8 an individual capacity or as part of a larger group.

9 **TITLE III—PROTECTING STATE**
10 **AND LOCAL JUDGES AND RE-**
11 **LATED GRANT PROGRAMS**

12 **SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND**
13 **VICTIMS OF CRIMES.**

14 (a) *IN GENERAL.*—Section 31702 of the Violent Crime
15 Control and Law Enforcement Act of 1994 (42 U.S.C.
16 13862) is amended—

17 (1) in paragraph (3), by striking “and” at the
18 end;

19 (2) in paragraph (4), by striking the period at
20 the end and inserting “; and”; and

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

22 “(5) by a State, unit of local government, or In-
23 dian tribe to create and expand witness and victim
24 protection programs to prevent threats, intimidation,

1 *and retaliation against victims of, and witnesses to,*
2 *violent crimes.”.*

3 **(b) AUTHORIZATION OF APPROPRIATIONS.**—*Section*
4 *31707 of the Violent Crime Control and Law Enforcement*
5 *Act of 1994 (42 U.S.C. 13867) is amended to read as fol-*
6 *lows:*

7 **“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.**

8 *“There are authorized to be appropriated \$20,000,000*
9 *for each of the fiscal years 2008 through 2012 to carry out*
10 *this subtitle.”.*

11 **SEC. 302. ELIGIBILITY OF STATE COURTS FOR CERTAIN**
12 **FEDERAL GRANTS.**

13 **(a) CORRECTIONAL OPTIONS GRANTS.**—*Section 515 of*
14 *the Omnibus Crime Control and Safe Streets Act of 1968*
15 *(42 U.S.C. 3762a) is amended—*

16 **(1) in subsection (a)—**

17 **(A) in paragraph (2), by striking “and” at**
18 *the end;*

19 **(B) in paragraph (3), by striking the period**
20 *and inserting “; and”; and*

21 **(C) by adding at the end the following:**

22 *“(4) grants to State courts to improve security*
23 *for State and local court systems.”; and*

24 **(2) in subsection (b), by adding at the end the**
25 *following:*

1 “Priority shall be given to State court applicants under
2 subsection (a)(4) that have the greatest demonstrated need
3 to provide security in order to administer justice.”.

4 (b) ALLOCATIONS.—Section 516(a) of the Omnibus
5 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
6 3762b) is amended—

7 (1) by striking “80” and inserting “70”;

8 (2) by striking “and 10” and inserting “10”;

9 and

10 (3) by inserting before the period the following:

11 “, and 10 percent for section 515(a)(4)”.

12 (c) STATE AND LOCAL GOVERNMENTS TO CONSIDER
13 COURTS.—The Attorney General may require, as appro-
14 priate, that whenever a State or unit of local government
15 or Indian tribe applies for a grant from the Department
16 of Justice, the State, unit, or tribe demonstrate that, in de-
17 veloping the application and distributing funds, the State,
18 unit, or tribe—

19 (1) considered the needs of the judicial branch of
20 the State, unit, or tribe, as the case may be;

21 (2) consulted with the chief judicial officer of the
22 highest court of the State, unit, or tribe, as the case
23 may be; and

24 (3) consulted with the chief law enforcement offi-
25 cer of the law enforcement agency responsible for the

1 *security needs of the judicial branch of the State,*
 2 *unit, or tribe, as the case may be.*

3 (d) *ARMOR VESTS.*—*Section 2501 of title I of the Om-*
 4 *nibus Crime Control and Safe Streets Act of 1968 (42*
 5 *U.S.C. 3796ll) is amended—*

6 (1) *in subsection (a), by inserting “and State*
 7 *and local court officers” after “tribal law enforcement*
 8 *officers”;* *and*

9 (2) *in subsection (b)(1), by inserting “State or*
 10 *local court,” after “government,”.*

11 **SEC. 303. GRANTS TO STATES FOR THREAT ASSESSMENT**

12 **DATABASES.**

13 (a) *IN GENERAL.*—*The Attorney General, through the*
 14 *Office of Justice Programs, shall make grants under this*
 15 *section to the highest State courts in States participating*
 16 *in the program, for the purpose of enabling such courts to*
 17 *establish and maintain a threat assessment database de-*
 18 *scribed in subsection (b).*

19 (b) *DATABASE.*—*For purposes of subsection (a), a*
 20 *threat assessment database is a database through which a*
 21 *State can—*

22 (1) *analyze trends and patterns in domestic ter-*
 23 *rorism and crime;*

24 (2) *project the probabilities that specific acts of*
 25 *domestic terrorism or crime will occur; and*

1 (3) *develop measures and procedures that can ef-*
 2 *fectively reduce the probabilities that those acts will*
 3 *occur.*

4 (c) *CORE ELEMENTS.—The Attorney General shall de-*
 5 *fine a core set of data elements to be used by each database*
 6 *funded by this section so that the information in the data-*
 7 *base can be effectively shared with other States and with*
 8 *the Department of Justice.*

9 (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 10 *authorized to be appropriated to carry out this section*
 11 *\$15,000,000 for each of fiscal years 2008 through 2011.*

12 ***TITLE IV—LAW ENFORCEMENT***
 13 ***OFFICERS***

14 ***SEC. 401. REPORT ON SECURITY OF FEDERAL PROSECU-***
 15 ***TORS.***

16 (a) *IN GENERAL.—Not later than 90 days after the*
 17 *date of the enactment of this Act, the Attorney General shall*
 18 *submit to the Committee on the Judiciary of the Senate and*
 19 *the Committee on the Judiciary of the House of Representa-*
 20 *tives a report on the security of assistant United States at-*
 21 *torneys and other Federal attorneys arising from the pros-*
 22 *ecution of terrorists, violent criminal gangs, drug traf-*
 23 *fickers, gun traffickers, white supremacists, those who com-*
 24 *mit fraud and other white-collar offenses, and other crimi-*
 25 *nal cases.*

1 (b) *CONTENTS.*—*The report submitted under sub-*
2 *section (a) shall describe each of the following:*

3 (1) *The number and nature of threats and as-*
4 *saults against attorneys handling prosecutions de-*
5 *scribed in subsection (a) and the reporting require-*
6 *ments and methods.*

7 (2) *The security measures that are in place to*
8 *protect the attorneys who are handling prosecutions*
9 *described in subsection (a), including threat assess-*
10 *ments, response procedures, availability of security*
11 *systems and other devices, firearms licensing (deputa-*
12 *tions), and other measures designed to protect the at-*
13 *torneys and their families.*

14 (3) *The firearms deputation policies of the De-*
15 *partment of Justice, including the number of attor-*
16 *neys deputized and the time between receipt of threat*
17 *and completion of the deputation and training proc-*
18 *ess.*

19 (4) *For each requirement, measure, or policy de-*
20 *scribed in paragraphs (1) through (3), when the re-*
21 *quirement, measure, or policy was developed and who*
22 *was responsible for developing and implementing the*
23 *requirement, measure, or policy.*

24 (5) *The programs that are made available to the*
25 *attorneys for personal security training, including*

1 *training relating to limitations on public information*
2 *disclosure, basic home security, firearms handling*
3 *and safety, family safety, mail handling, counter-sur-*
4 *veillance, and self-defense tactics.*

5 *(6) The measures that are taken to provide attor-*
6 *neys handling prosecutions described in subsection (a)*
7 *with secure parking facilities, and how priorities for*
8 *such facilities are established—*

9 *(A) among Federal employees within the fa-*
10 *ility;*

11 *(B) among Department of Justice employees*
12 *within the facility; and*

13 *(C) among attorneys within the facility.*

14 *(7) The frequency attorneys handling prosecu-*
15 *tions described in subsection (a) are called upon to*
16 *work beyond standard work hours and the security*
17 *measures provided to protect attorneys at such times*
18 *during travel between office and available parking fa-*
19 *cilities.*

20 *(8) With respect to attorneys who are licensed*
21 *under State laws to carry firearms, the policy of the*
22 *Department of Justice as to—*

23 *(A) carrying the firearm between available*
24 *parking and office buildings;*

1 (B) securing the weapon at the office build-
2 ings; and

3 (C) equipment and training provided to fa-
4 cilitate safe storage at Department of Justice fa-
5 cilities.

6 (9) The offices in the Department of Justice that
7 are responsible for ensuring the security of attorneys
8 handling prosecutions described in subsection (a), the
9 organization and staffing of the offices, and the man-
10 ner in which the offices coordinate with offices in spe-
11 cific districts.

12 (10) The role, if any, that the United States
13 Marshals Service or any other Department of Justice
14 component plays in protecting, or providing security
15 services or training for, attorneys handling prosecu-
16 tions described in subsection (a).

17 **TITLE V—MISCELLANEOUS**
18 **PROVISIONS**

19 **SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE**
20 **UNITED STATES SENTENCING COMMISSION.**

21 (a) *IN GENERAL.*—Section 995 of title 28, United
22 States Code, is amended by adding at the end the following:

23 “(f) The Commission may—

24 “(1) use available funds to enter into contracts
25 for the acquisition of severable services for a period

1 *that begins in 1 fiscal year and ends in the next fiscal*
2 *year, to the same extent as executive agencies may*
3 *enter into such contracts under the authority of sec-*
4 *tion 303L of the Federal Property and Administra-*
5 *tive Services Act of 1949 (41 U.S.C. 253l);*

6 “(2) *enter into multi-year contracts for the ac-*
7 *quisition of property or services to the same extent as*
8 *executive agencies may enter into such contracts*
9 *under the authority of section 304B of the Federal*
10 *Property and Administrative Services Act of 1949 (41*
11 *U.S.C. 254c); and*

12 “(3) *make advance, partial, progress, or other*
13 *payments under contracts for property or services to*
14 *the same extent as executive agencies may make such*
15 *payments under the authority of section 305 of the*
16 *Federal Property and Administrative Services Act of*
17 *1949 (41 U.S.C. 255).”*

18 (b) *SUNSET.*—*The amendment made by subsection (a)*
19 *shall cease to have force and effect on September 30, 2010.*

20 **SEC. 502. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL**
21 **JUDGES LIFE INSURANCE.**

22 (a) *IN GENERAL.*—*Section 604(a)(5) of title 28,*
23 *United States Code, is amended by inserting after “hold*
24 *office during good behavior,” the following: “magistrate*
25 *judges appointed under section 631 of this title, and terri-*

1 *torial district court judges appointed under section 24 of*
2 *the Organic Act of Guam (48 U.S.C. 1424b), section 1(b)*
3 *of the Act of November 8, 1977 (48 U.S.C. 1821), or section*
4 *24(a) of the Revised Organic Act of the Virgin Islands (48*
5 *U.S.C. 1614(a)),”.*

6 (b) *BANKRUPTCY JUDGES.—*

7 (1) *IN GENERAL.—The Director of the Adminis-*
8 *trative Office of the United States Courts, upon au-*
9 *thorization by the Judicial Conference of the United*
10 *States and subject to the availability of appropria-*
11 *tions, shall pay on behalf of bankruptcy judges ap-*
12 *pointed under section 152 of title 28, United States*
13 *Code, aged 65 or over, any increases in the cost of*
14 *Federal Employees’ Group Life Insurance imposed*
15 *after April 24, 1999, including any expenses gen-*
16 *erated by such payments.*

17 (2) *IMPLEMENTATION.—Any payment authorized*
18 *by the Judicial Conference of the United States under*
19 *paragraph (1) shall apply with respect to any pay-*
20 *ment made on or after the first day of the first appli-*
21 *cable pay period beginning on or after the date of*
22 *that authorization.*

23 (c) *CONSTRUCTION.—For purposes of construing and*
24 *applying chapter 87 of title 5, United States Code, includ-*
25 *ing any adjustment of insurance rates by regulation or oth-*

1 *erwise, the following categories of judicial officers shall be*
2 *deemed to be judges of the United States as described under*
3 *section 8701 of title 5, United States Code:*

4 (1) *Bankruptcy judges appointed under section*
5 *152 of title 28, United States Code.*

6 (2) *Magistrate judges appointed under section*
7 *631 of title 28, United States Code.*

8 (3) *Territorial district court judges appointed*
9 *under section 24 of the Organic Act of Guam (48*
10 *U.S.C. 1424b), section 1(b) of the Act of November 8,*
11 *1977 (48 U.S.C. 1821), or section 24(a) of the Revised*
12 *Organic Act of the Virgin Islands (48 U.S.C.*
13 *1614(a)).*

14 (4) *Judges retired under section 377 of title 28,*
15 *United States Code.*

16 (5) *Judges retired under section 373 of title 28,*
17 *United States Code.*

18 (d) *EFFECTIVE DATE.*—*Subsection (c) and the amend-*
19 *ment made by subsection (a) shall apply with respect to*
20 *any payment made on or after the first day of the first*
21 *applicable pay period beginning on or after the date of en-*
22 *actment of this Act.*

23 **SEC. 503. ASSIGNMENT OF JUDGES.**

24 *Section 296 of title 28, United States Code, is amended*
25 *by inserting at the end of the second undesignated para-*

1 *graph the following new sentence: “However, a district*
2 *judge who has retired from regular active service under sec-*
3 *tion 371(b) of this title, when designated and assigned to*
4 *the court to which such judge was appointed, having per-*
5 *formed in the preceding calendar year an amount of work*
6 *equal to or greater than the amount of work an average*
7 *judge in active service on that court would perform in 6*
8 *months, and having elected to exercise such powers, shall*
9 *have the powers of a judge of that court to participate in*
10 *appointment of court officers and magistrate judges, rule-*
11 *making, governance, and administrative matters.”.*

12 **SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELEC-**
13 **TION OF MAGISTRATE JUDGES.**

14 *Section 631(a) of title 28, United States Code, is*
15 *amended by striking “Northern Mariana Islands” the first*
16 *place it appears and inserting “Northern Mariana Islands*
17 *(including any judge in regular active service and any*
18 *judge who has retired from regular active service under sec-*
19 *tion 371(b) of this title, when designated and assigned to*
20 *the court to which such judge was appointed)”.*

21 **SEC. 505. GUARANTEEING COMPLIANCE WITH PRISONER**
22 **PAYMENT COMMITMENTS.**

23 *Section 3624(e) of title 18, United States Code, is*
24 *amended by striking the last sentence and inserting the fol-*
25 *lowing: “Upon the release of a prisoner by the Bureau of*

1 *Prisons to supervised release, the Bureau of Prisons shall*
2 *notify such prisoner, verbally and in writing, of the require-*
3 *ment that the prisoner adhere to an installment schedule,*
4 *not to exceed 2 years except in special circumstances, to*
5 *pay for any fine imposed for the offense committed by such*
6 *prisoner, and of the consequences of failure to pay such fines*
7 *under sections 3611 through 3614 of this title.”.*

8 **SEC. 506. STUDY AND REPORT.**

9 *The Attorney General shall study whether the generally*
10 *open public access to State and local records imperils the*
11 *safety of the Federal judiciary. Not later than 18 months*
12 *after the enactment of this Act, the Attorney General shall*
13 *report to Congress the results of that study together with*
14 *any recommendations the Attorney General deems nec-*
15 *essary.*

16 **SEC. 507. REAUTHORIZATION OF FUGITIVE APPREHENSION**
17 **TASK FORCES.**

18 *Section 6(b) of the Presidential Threat Protection Act*
19 *of 2000 (28 U.S.C. 566 note; Public Law 106–544) is*
20 *amended—*

- 21 *(1) by striking “and” after “fiscal year 2002,”;*
22 *and*
23 *(2) by inserting “, and \$10,000,000 for each of*
24 *fiscal years 2008 through 2012” before the period.*

1 **SEC. 508. INCREASED PROTECTION OF FEDERAL JUDGES.**

2 (a) *MINIMUM DOCUMENT REQUIREMENTS.*—

3 (1) *MINIMUM REQUIREMENTS.*—*For purposes of*
4 *section 202(b)(6) of the REAL ID Act of 2005(49*
5 *U.S.C. 30301 note), a State may, in the case of an*
6 *individual described in subparagraph (A) or (B) of*
7 *paragraph (2), include in a driver’s license or other*
8 *identification card issued to that individual by the*
9 *State, the address specified in that subparagraph in*
10 *lieu of the individual’s address of principle residence.*

11 (2) *INDIVIDUALS AND INFORMATION.*—*The indi-*
12 *viduals and addresses referred to in paragraph (1)*
13 *are the following:*

14 (A) *In the case of a Justice of the United*
15 *States, the address of the United States Supreme*
16 *Court.*

17 (B) *In the case of a judge of a Federal*
18 *court, the address of the courthouse.*

19 (b) *VERIFICATION OF INFORMATION.*—*For purposes of*
20 *section 202(c)(1)(D) of the REAL ID Act of 2005 (49*
21 *U.S.C. 30301 note), in the case of an individual described*
22 *in subparagraph (A) or (B) of subsection (a)(2), a State*
23 *need only require documentation of the address appearing*
24 *on the individual’s driver’s license or other identification*
25 *card issued by that State to the individual.*

1 **SEC. 509. FEDERAL JUDGES FOR COURTS OF APPEALS.**

2 (a) *IN GENERAL.*—Section 44(a) of title 28, United
3 States Code, is amended in the table—

4 (1) *in the item relating to the District of Colum-*
5 *bia Circuit, by striking “12” and inserting “11”; and*

6 (2) *in the item relating to the Ninth Circuit, by*
7 *striking “28” and inserting “29”.*

8 (b) *EFFECTIVE DATE.*—The amendments made by sub-
9 section (a)(2) shall take effect on January 21, 2009.

10 **SEC. 510. NATIONAL INSTITUTE OF JUSTICE STUDY AND**

11 **REPORT.**

12 (a) *STUDY REQUIRED.*—The Director of the National
13 Institute of Justice (referred to in this section as the “Direc-
14 tor”) shall conduct a study to determine and compile the
15 collateral consequences of convictions for criminal offenses
16 in the United States, each of the 50 States, each territory
17 of the United States, and the District of Columbia.

18 (b) *ACTIVITIES UNDER STUDY.*—In conducting the
19 study under subsection (a), the Director shall identify any
20 provision in the Constitution, statutes, or administrative
21 rules of each jurisdiction described in that subsection that
22 imposes collateral sanctions or authorizes the imposition of
23 disqualifications, and any provision that may afford relief
24 from such collateral sanctions and disqualifications.

25 (c) *REPORT.*—

1 (1) *IN GENERAL.*—Not later than 1 year after
2 the date of enactment of this Act, the Director shall
3 submit to Congress a report on the activities carried
4 out under this section.

5 (2) *CONTENTS.*—The report submitted under
6 paragraph (1) shall include a compilation of cita-
7 tions, text, and short descriptions of any provision
8 identified under subsection (b).

9 (3) *DISTRIBUTION.*—The report submitted under
10 paragraph (1) shall be distributed to the legislature
11 and chief executive of each of the 50 States, each terri-
12 tory of the United States, and the District of Colum-
13 bia.

14 (d) *DEFINITIONS.*—In this section:

15 (1) *COLLATERAL CONSEQUENCE.*—The term “col-
16 lateral consequence” means a collateral sanction or a
17 disqualification.

18 (2) *COLLATERAL SANCTION.*—The term “collat-
19 eral sanction”—

20 (A) means a penalty, disability, or dis-
21 advantage, however denominated, that is im-
22 posed by law as a result of an individual’s con-
23 viction for a felony, misdemeanor, or other of-
24 fense, but not as part of the judgment of the
25 court; and

1 (B) does not include a term of imprison-
2 ment, probation, parole, supervised release, fine,
3 assessment, forfeiture, restitution, or the costs of
4 prosecution.

5 (3) *DISQUALIFICATION*.—The term “disqualifica-
6 tion” means a penalty, disability, or disadvantage,
7 however denominated, that an administrative agency,
8 official, or a court in a civil proceeding is authorized,
9 but not required, to impose on an individual con-
10 victed of a felony, misdemeanor, or other offense on
11 grounds relating to the conviction.

12 **SEC. 511. TECHNICAL AMENDMENT.**

13 Section 2255 of title 28, United States Code, is amend-
14 ed by designating the 8 undesignated paragraphs as sub-
15 sections (a) through (h), respectively.

Attest:

Secretary.

110TH CONGRESS
1ST SESSION

H. R. 660

AMENDMENT