

111TH CONGRESS
1ST SESSION

S. 1782

To provide improvements for the operations of the Federal courts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 14, 2009

Mr. WHITEHOUSE (for himself, Mr. LEAHY, and Mr. SESSIONS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide improvements for the operations 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.**

4 This Act may be cited as the “Federal Judiciary Ad-
5 ministrative Improvements Act of 2009”.

6 **SEC. 2. SENIOR JUDGE GOVERNANCE CORRECTION.**

7 Section 631(a) of title 28, United States Code, is
8 amended in the first sentence by striking “(including any
9 judge in regular active service and any judge who has re-
10 tired from regular active service under section 371(b) of

1 this title, when designated and assigned to the court to
 2 which such judge was appointed)”.
 3

4 **SEC. 3. REVISION OF STATUTORY DESCRIPTION OF THE**
DISTRICT OF NORTH DAKOTA.

5 Chapter 5 of title 28, United States Code, is amended
 6 by striking section 114 and inserting the following:

7 **“§ 114. North Dakota**

8 “North Dakota constitutes one judicial district.

9 “Court shall be held at Bismarck, Fargo,
 10 Grand Forks, and Minot.”.

11 **SEC. 4. DISABILITY RETIREMENT AND COST-OF-LIVING AD-**
 12 **JUSTMENTS OF ANNUITIES FOR TERRI-**
 13 **TORIAL JUDGES.**

14 Section 373 of title 28, United States Code, is
 15 amended—

16 (1) in subsection (c), by striking paragraph (4)
 17 and inserting the following:

18 “(4) Any senior judge performing judicial du-
 19 ties pursuant to recall under paragraph (2) of this
 20 subsection shall be paid, while performing such du-
 21 ties, the same compensation (in lieu of the annuity
 22 payable under this section) and the same allowances
 23 for travel and other expenses as a judge on active
 24 duty with the court being served.”;

1 (2) by amending subsection (e) to read as fol-
2 lows:

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

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

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

20 “(2) Any judge of the District Court of Guam, the
21 District Court of the Northern Mariana Islands, or the
22 District Court of the Virgin Islands who has served at
23 least 5 years, continuously or otherwise, and who retires
24 or is removed upon the sole ground of mental or physical
25 disability, shall be entitled to receive during the remainder

1 of the life of such judge an annuity equal to 40 percent
 2 of the salary received when the judge left office or, in the
 3 case of a judge who has served at least 10 years, continu-
 4 ously or otherwise, an annuity equal to that proportion
 5 of such salary which the aggregate number of years of ju-
 6 dicial service of such judge bears to 15.”; and

7 (3) by amending subsection (g) to read as fol-
 8 lows:

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

16 **SEC. 5. ANNUAL LEAVE LIMIT FOR JUDICIAL BRANCH EX-**
 17 **ECUTIVES.**

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

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

22 (2) in subparagraph (G), by striking the period
 23 and inserting “; or”; and

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

1 “(H) a position in the judicial branch des-
 2 ignated as a senior executive position—

3 “(i) in the United States Courts by
 4 the Judicial Conference of the United
 5 States;

6 “(ii) in the Federal Judicial Center by
 7 the Board of the Federal Judicial Center;
 8 or

9 “(iii) in the United States Sentencing
 10 Commission by the Commission.”.

11 **SEC. 6. FEDERAL JUDICIAL CENTER PERSONNEL MATTERS.**

12 Section 625 of title 28, United States Code, is
 13 amended—

14 (1) in subsection (b)—

15 (A) by striking “, United States Code, gov-
 16 erning” and inserting “governing”;

17 (B) by striking “pay rates, section 5316,
 18 title 5, United States Code” and inserting
 19 “under section 5316 of title 5, except that the
 20 Director may fix the compensation of 4 posi-
 21 tions of the Center at a level not to exceed the
 22 annual rate of pay in effect for level IV of the
 23 Executive Schedule under section 5315 of title
 24 5”; and

1 (C) by striking “the Civil Service” and all
 2 that follows and inserting “subchapter III of
 3 chapter 83 of title 5 shall be adjusted under
 4 section 8344 of such title, and the salary of a
 5 reemployed annuitant under chapter 84 of title
 6 5 shall be adjusted under section 8468 of such
 7 title”;

8 (2) in subsections (c) and (d), by striking “,
 9 United States Code,” each place that term appears;
 10 and

11 (3) in subsection (d), by striking “, United
 12 States Code.” and inserting a period.

13 **SEC. 7. SEPARATION OF THE JUDGMENT AND STATEMENT**
 14 **OF REASONS FORMS.**

15 Section 3553(c)(2) of title 18, United States Code,
 16 is amended by striking “the written order of judgment and
 17 commitment” and inserting “a statement of reasons form
 18 issued under section 994(w)(1)(B) of title 28”.

19 **SEC. 8. PRETRIAL SERVICES FUNCTIONS FOR JUVENILES.**

20 Section 3154 of title 18, United States Code, is
 21 amended—

22 (1) by redesignating paragraph (14) as para-
 23 graph (15); and

24 (2) by inserting after paragraph (13) the fol-
 25 lowing:

1 “(14) Perform, in a manner appropriate for ju-
 2 veniles, any of the functions identified in this section
 3 with respect to juveniles awaiting adjudication, trial,
 4 or disposition under chapter 403 of this title who
 5 are not detained.”.

6 **SEC. 9. STATISTICAL REPORTING SCHEDULE FOR CRIMI-**
 7 **NAL WIRETAP ORDERS.**

8 Section 2519 of title 18, United States Code, is
 9 amended—

10 (1) in paragraph (1), by striking “Within thirty
 11 days after the expiration of an order (or each exten-
 12 sion thereof) entered under section 2518, or the de-
 13 nial of an order approving an interception, the
 14 issuing or denying judge” and inserting “In January
 15 of each year, any judge who has issued an order (or
 16 an extension thereof) under section 2518 that ex-
 17 pired during the preceding year, or who has denied
 18 approval of an interception during that year,”;

19 (2) in paragraph (2), by striking “In January
 20 of each year” and inserting “In March of each
 21 year”; and

22 (3) in paragraph (3), by striking “In April of
 23 each year” and inserting “In June of each year”.

1 **SEC. 10. THRESHOLDS FOR ADMINISTRATIVE REVIEW OF**
 2 **OTHER THAN COUNSEL CASE COMPENSA-**
 3 **TION.**

4 Section 3006A of title 18, United States Code, is
 5 amended—

6 (1) in subsection (e)—

7 (A) in paragraph (2)—

8 (i) in subparagraph (A), in the second
 9 sentence, by striking “\$500” and inserting
 10 “\$800”; and

11 (ii) in subparagraph (B), by striking
 12 “\$500” and inserting “\$800”; and

13 (B) in paragraph (3), in the first sentence,
 14 by striking “\$1,600” and inserting “\$2,400”;
 15 and

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

17 “(5) The dollar amounts provided in para-
 18 graphs (2) and (3) shall be adjusted simultaneously
 19 by an amount, rounded to the nearest multiple of
 20 \$100, equal to the percentage of the cumulative ad-
 21 justments taking effect under section 5303 of title 5
 22 in the rates of pay under the General Schedule since
 23 the date the dollar amounts provided in paragraphs
 24 (2) and (3), respectively, were last enacted or ad-
 25 justed by statute.”.