

105TH CONGRESS
2D SESSION

H. R. 2294

IN THE SENATE OF THE UNITED STATES

MARCH 19, 1998

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MARCH 20, 1998

Read twice and referred to the Committee on the Judiciary

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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Federal Courts Improvement Act of 1998.”.

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

Sec. 1. Short title and table of contents.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 101. Reimbursement of judiciary for civil and criminal forfeiture expenses.

Sec. 102. Transfer of retirement funds.

Sec. 103. Extension of Judiciary Information Technology Fund.

Sec. 104. Bankruptcy fees.

Sec. 105. Disposition of miscellaneous 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. Place of holding court in the Eastern District of Texas.

Sec. 206. Federal substance abuse treatment program reauthorization.

Sec. 207. Membership in circuit judicial councils.

Sec. 208. Sunset of civil justice expense and delay reduction plans.

Sec. 209. Repeal of Court of Federal Claims filing fee.

Sec. 210. Technical bankruptcy correction.

Sec. 211. Technical amendment relating to the treatment of certain bankruptcy
fees collected.

**TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS,
AND PROTECTIONS**

Sec. 301. Disability retirement and cost-of-living adjustments of annuities for
territorial judges.

Sec. 302. Federal Judicial Center personnel matters.

Sec. 303. Judicial administrative officials retirement matters.

Sec. 304. Judges’ firearms training.

Sec. 305. Exemption from jury service.

Sec. 306. Expanded workers’ compensation coverage for jurors.

Sec. 307. Property damage, theft, and loss claims of jurors.

Sec. 308. Annual leave limit for court unit executives.

Sec. 309. Transfer of county to Middle District of Pennsylvania.

Sec. 310. Creation of two divisions in Eastern District of Louisiana.

Sec. 311. District judges for the Florida district courts.

Sec. 312. Change in composition of divisions in Western District of Tennessee.

Sec. 313. Payments to military survivors benefits plan.

Sec. 314. Creation of certifying officers in the judicial branch.

Sec. 315. Authority to prescribe fees for technology resources in the courts.

TITLE IV—CRIMINAL JUSTICE ACT AMENDMENTS

Sec. 401. Maximum amounts of compensation for attorneys.

Sec. 402. Maximum amounts of compensation for services other than counsel.

Sec. 403. Tort Claims Act amendment relating to liability of Federal public defenders.

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

3 **SEC. 101. REIMBURSEMENT OF JUDICIARY FOR CIVIL AND** 4 **CRIMINAL FORFEITURE EXPENSES.**

5 (a) TRANSFERS FROM JUSTICE AND TREASURY FOR-
6 FEITURE FUNDS.—Section 524(c) of title 28, United
7 States Code, is amended—

8 (1) by inserting after paragraph (11) the
9 following paragraph (12):

10 “(12)(A) In the fiscal year following the fiscal year
11 in which this paragraph is enacted and in each fiscal year
12 thereafter, an amount as specified in subparagraph (B)
13 shall be transferred annually to the judiciary into the fund
14 established under section 1931 of this title, for expenses
15 incurred in—

16 “(i) adjudication of civil and criminal forfeiture
17 proceedings that result in deposits into the Fund
18 (except the expense of salaries of judges);

19 “(ii) representation, pursuant to the provisions
20 of section 3006A of title 18 or section 408(q) of the
21 Controlled Substances Act (21 U.S.C. 848(q)) of of-

1 fenders whose assets have been seized in such for-
2 feiture proceedings, to the extent that such expenses
3 of representation could have been recovered through
4 an order for payment or for reimbursement of ap-
5 propriations for defender services pursuant to sec-
6 tion 3006A(f) of title 18; and

7 “(iii) supervision by United States probation of-
8 ficers of offenders under home detention or other
9 forms of confinement outside of facilities of the Bu-
10 reau of Prisons.

11 “(B) The amount to be transferred under subpara-
12 graph (A)—

13 “(i) shall be a portion of the amount of the
14 combined fiscal year deposits into both the Fund
15 and the Department of the Treasury Forfeiture
16 Fund established by section 9703 of title 31 (herein-
17 after referred to in this paragraph as ‘both Funds’),
18 which shall not exceed the statement of costs in-
19 curred by the judiciary in providing the services
20 identified in subparagraph (A), as set forth by the
21 Director of the Administrative Office of the United
22 States Courts in a report to the Attorney General
23 and the Secretary of the Treasury no later than 90
24 days after the end of the fiscal year in which the ex-
25 penses were incurred, except that—

1 “(I) the total amount to be transferred
2 from both Funds shall not exceed \$50,000,000,
3 or 10 percent of the total combined deposits
4 into both Funds, whichever is less;

5 “(II) the proportion of the amount trans-
6 ferred from the Fund to the total amount to be
7 transferred shall be equal to the proportion of
8 the fiscal year deposits into the Fund to the
9 combined fiscal year deposits in both Funds;
10 and

11 “(III) the total amount to be transferred
12 from both Funds may exceed the limits set out
13 in this subparagraph, subject to the discretion
14 of the Attorney General and the Secretary of
15 the Treasury; and

16 “(ii) shall be paid from revenues deposited into
17 the Fund during the fiscal year in which the ex-
18 penses were incurred and are not required to be
19 specified in appropriations Acts.”.

20 (b) TREASURY FORFEITURE FUND.—Section 9703
21 of title 31, United States Code, is amended—

22 (1) by redesignating subsection (p) as sub-
23 section (q); and

24 (2) by inserting after subsection (o) the follow-
25 ing new subsection:

1 “(p) TRANSFER TO THE FEDERAL JUDICIARY.—In
2 the fiscal year following the fiscal year in which this sub-
3 section is enacted and in each fiscal year thereafter, an
4 amount necessary to meet the requirements of section
5 524(c)(12) of title 28 shall be transferred to the judiciary,
6 subject to the limitations, terms, and conditions specified
7 in that section for such transfers.”.

8 (c) CONFORMING AMENDMENT.—Section 1931(a) of
9 title 28, United States Code, is amended by inserting “or
10 other judicial services, including services provided pursu-
11 ant to section 3006A of title 18 or section 408(q) of the
12 Controlled Substances Act (21 U.S.C. 848(q))” after
13 “courts of the United States”.

14 **SEC. 102. TRANSFER OF RETIREMENT FUNDS.**

15 Section 377 of title 28, United States Code, is
16 amended by adding at the end thereof the following new
17 subsection:

18 “(p) Upon election by a bankruptcy judge or a mag-
19 istrate judge under subsection (f) of this section, all of
20 the accrued employer contributions and accrued interest
21 on those contributions made on behalf of the bankruptcy
22 judge or magistrate judge to the Civil Service Retirement
23 and Disability Fund, as defined under section 8348 of title
24 5, shall be transferred to the fund established under sec-
25 tion 1931 of this title, except that if the bankruptcy judge

1 or magistrate judge elects under section 2(c) of the Retire-
 2 ment and Survivors' Annuities for Bankruptcy Judges and
 3 Magistrates Act of 1988 (Public Law 100–659), to receive
 4 a retirement annuity under both this section and title 5,
 5 only the accrued employer contributions and accrued in-
 6 terest on such contributions made on behalf of the bank-
 7 ruptcy judge or magistrate judge for service credited
 8 under this section may be transferred.”.

9 **SEC. 103. EXTENSION OF JUDICIARY INFORMATION TECH-**
 10 **NOLOGY FUND.**

11 Section 612 of title 28, United States Code, is
 12 amended—

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

15 (2) by striking subsection (f) and redesignating
 16 subsequent subsections accordingly;

17 (3) in subsection (g), as so redesignated, by
 18 striking paragraph (3); and

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

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

22 (B) by striking “subparagraph (c)(1)(B)”
 23 and inserting “subsection (c)(1)(B)”; and

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

1 **SEC. 104. BANKRUPTCY FEES.**

2 Subsection (a) of section 1930 of title 28, United
3 States Code, is amended by adding at the end the follow-
4 ing new paragraph:

5 “(7) In districts that are not part of a United
6 States trustee region as defined in section 581 of
7 this title, the Judicial Conference of the United
8 States may require the debtor in a case under chap-
9 ter 11 of title 11 to pay fees equal to those imposed
10 by paragraph (6) of this subsection. Such fees shall
11 be deposited as offsetting receipts to the fund estab-
12 lished under section 1931 of this title and shall re-
13 main available until expended.”.

14 **SEC. 105. DISPOSITION OF MISCELLANEOUS FEES.**

15 For fiscal year 1999 and thereafter, any portion of
16 miscellaneous fees collected as prescribed by the Judicial
17 Conference of the United States pursuant to sections
18 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28,
19 United States Code, exceeding the amount of such fees
20 in effect on September 30, 1998, shall be deposited into
21 the special fund of the Treasury established under section
22 1931 of title 28, United States Code.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

SEC. 201. EXTENSION OF STATUTORY AUTHORITY FOR MAGISTRATE JUDGE POSITIONS TO BE ES- TABLISHED IN THE DISTRICT COURTS OF GUAM AND THE NORTHERN MARIANA IS- LANDS.

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

(1) by striking the first two sentences of subsection (a) and inserting the following: “The judges of each United States district court and the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands shall appoint United States magistrate judges in such numbers and to serve at such locations within the judicial districts as the Judicial Conference may determine under this chapter. In the case of a magistrate judge appointed by the district court of the Virgin Islands, Guam, or the Northern Mariana Islands, this chapter shall apply as though the court appointing such a magistrate judge were a United States district court.”; and

(2) by inserting in the first sentence of paragraph (1) of subsection (b) after “Commonwealth of Puerto Rico,” the following: “the Territory of Guam,

1 the Commonwealth of the Northern Mariana Is-
2 lands,”.

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

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

6 “(e) CONTEMPT AUTHORITY.—

7 “(1) IN GENERAL.—A United States magistrate
8 judge serving under this chapter shall have within
9 the territorial jurisdiction prescribed by his or her
10 appointment the power to exercise contempt author-
11 ity as set forth in this subsection.

12 “(2) SUMMARY CRIMINAL CONTEMPT AUTHOR-
13 ITY.—A magistrate judge shall have the power to
14 punish summarily by fine or imprisonment such con-
15 tempt of his or her authority constituting mis-
16 behavior of any person in the magistrate judge’s
17 presence so as to obstruct the administration of jus-
18 tice. The order of contempt shall be issued pursuant
19 to the Federal Rules of Criminal Procedure.

20 “(3) ADDITIONAL CRIMINAL CONTEMPT AU-
21 THORITY IN CIVIL CONSENT AND MISDEMEANOR
22 CASES.—In any case in which a United States mag-
23 istrate judge presides with the consent of the parties
24 under subsection (c) of this section, and in any mis-
25 demeanor case proceeding before a magistrate judge

1 under section 3401 of title 18, the magistrate judge
2 shall have the power to punish by fine or imprison-
3 ment criminal contempt constituting disobedience or
4 resistance to the magistrate judge's lawful writ,
5 process, order, rule, decree, or command. Disposition
6 of such contempt shall be conducted upon notice and
7 hearing pursuant to the Federal Rules of Criminal
8 Procedure.

9 “(4) CIVIL CONTEMPT AUTHORITY IN CIVIL
10 CONSENT AND MISDEMEANOR CASES.—In any case
11 in which a United States magistrate judge presides
12 with the consent of the parties under subsection (c)
13 of this section, and in any misdemeanor case pro-
14 ceeding before a magistrate judge under section
15 3401 of title 18, the magistrate judge may exercise
16 the civil contempt authority of the district court.
17 This paragraph shall not be construed to limit the
18 authority of a magistrate judge to order sanctions
19 pursuant to any other statute, the Federal Rules of
20 Civil Procedure, or the Federal Rules of Criminal
21 Procedure.

22 “(5) CRIMINAL CONTEMPT PENALTIES.—The
23 sentence imposed by a magistrate judge for any
24 criminal contempt provided for in paragraphs (2)
25 and (3) shall not exceed the penalties for a Class C

1 misdemeanor as set forth in sections 3581(b)(8) and
2 3571(b)(6) of title 18.

3 “(6) CERTIFICATION OF OTHER CONTEMPTS TO
4 THE DISTRICT COURT.—Upon the commission of any
5 such act—

6 “(A) in any case in which a United States
7 magistrate judge presides with the consent of
8 the parties under subsection (c) of this section,
9 or in any misdemeanor case proceeding before
10 a magistrate judge under section 3401 of title
11 18, that may, in the opinion of the magistrate
12 judge, constitute a serious criminal contempt
13 punishable by penalties exceeding those set
14 forth in paragraph (5) of this subsection; or

15 “(B) in any other case or proceeding under
16 subsection (a) or (b) of this section, or any
17 other statute, where—

18 “(i) the act committed in the mag-
19 istrate judge’s presence may, in the opin-
20 ion of the magistrate judge, constitute a
21 serious criminal contempt punishable by
22 penalties exceeding those set forth in para-
23 graph (5) of this subsection;

1 “(ii) the act that constitutes a crimi-
2 nal contempt occurs outside the presence
3 of the magistrate judge; or

4 “(iii) the act constitutes a civil con-
5 tempt,

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

19 “(7) APPEALS OF MAGISTRATE JUDGE CON-
20 TEMPT ORDERS.—The appeal of an order of con-
21 tempt pursuant to this subsection shall be made to
22 the court of appeals in cases proceeding under sub-
23 section (c) of this section. In any other proceeding
24 in which a United States magistrate judge presides
25 under subsection (a) or (b) of this section, section

1 3401 of title 18, or any other statute, the appeal of
 2 a magistrate judge’s summary contempt order shall
 3 be made to the district court.”.

4 **SEC. 203. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN**
 5 **PETTY OFFENSE CASES AND MAGISTRATE**
 6 **JUDGE AUTHORITY IN MISDEMEANOR CASES**
 7 **INVOLVING JUVENILE DEFENDANTS.**

8 (a) AMENDMENTS TO TITLE 18.—

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

14 (2) CASES INVOLVING JUVENILES.—Section
 15 3401(g) of title 18, United States Code, is amend-
 16 ed—

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

22 (B) in the second sentence by striking
 23 “any other class B or C misdemeanor case”
 24 and inserting “the case of any misdemeanor,
 25 other than a petty offense,”; and

1 (C) by striking the last sentence.

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

5 “(4) the power to enter a sentence for a petty
6 offense; and

7 “(5) the power to enter a sentence for a class
8 A misdemeanor in a case in which the parties have
9 consented.”.

10 **SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIRE-**
11 **MENTS.**

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

15 **SEC. 205. PLACE OF HOLDING COURT IN THE EASTERN DIS-**
16 **TRICT OF TEXAS.**

17 (a) TEXAS.—The second sentence of section
18 124(c)(3) of title 28, United States Code, is amended by
19 inserting “and Plano” after “held at Sherman”.

20 (b) TEXARKANA.—Sections 83(b)(1) and 124(c)(6)
21 of title 28, United States Code, are each amended by add-
22 ing before the period at the end of the last sentence the
23 following: “, and may be held anywhere within the Federal
24 courthouse in Texarkana that is located astride the State
25 line between Texas and Arkansas”.

1 **SEC. 206. FEDERAL SUBSTANCE ABUSE TREATMENT PRO-**
2 **GRAM REAUTHORIZATION.**

3 Section 4(a) of the Contract Services for Drug De-
4 pendent Federal Offenders Treatment Act of 1978 (Public
5 Law 95–537; 92 Stat. 2038; 18 U.S.C. 3672 note) is
6 amended by striking all that follows “there are authorized
7 to be appropriated” and inserting “for fiscal year 1998
8 and each fiscal year thereafter such sums as may be nec-
9 essary.”.

10 **SEC. 207. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.**

11 Section 332(a) of title 28, United States Code, is
12 amended—

13 (1) by striking paragraph (1) and inserting the
14 following:

15 “(1) The chief judge of each judicial circuit shall call
16 and preside at a meeting of the judicial council of the cir-
17 cuit at least twice in each year and at such places as he
18 or she may designate. The council shall consist of an equal
19 number of circuit judges (including the chief judge of the
20 circuit) and district judges, as such number is determined
21 by majority vote of all such judges of the circuit in regular
22 active service.”;

23 (2) by striking paragraph (3) and inserting the
24 following:

25 “(3) Except for the chief judge of the circuit, either
26 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.”; and

3 (3) by striking “retirement,” in paragraph (5)
 4 and inserting “retirement under section 371(a) or
 5 section 372(a) of this title,”.

6 **SEC. 208. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY**
 7 **REDUCTION PLANS.**

8 Section 103(b)(2)(A) of the Civil Justice Reform Act
 9 of 1990 (Public Law 101–650; 104 Stat. 5096; 28 U.S.C.
 10 471 note), as amended by Public Law 105–53 (111 Stat.
 11 1173), is amended by inserting “471,” after “sections”.

12 **SEC. 209. REPEAL OF COURT OF FEDERAL CLAIMS FILING**
 13 **FEE.**

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

17 **SEC. 210. TECHNICAL BANKRUPTCY CORRECTION.**

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

21 **SEC. 211. TECHNICAL AMENDMENT RELATING TO THE**
 22 **TREATMENT OF CERTAIN BANKRUPTCY FEES**
 23 **COLLECTED.**

24 (a) AMENDMENT.—The first sentence of section
 25 406(b) of the Departments of Commerce, Justice, and

1 State, the Judiciary, and Related Agencies Appropriations
 2 Act, 1990 (Public Law 101–162; 103 Stat. 1016; 28
 3 U.S.C. 1931 note) is amended by striking “service enu-
 4 merated after item 18” and inserting “service not of a
 5 kind described in any of the items enumerated as items
 6 1 through 7 and as items 9 through 18, as in effect on
 7 November 21, 1989,”.

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

11 **TITLE III—JUDICIAL PERSON-**
 12 **NEL ADMINISTRATION, BENE-**
 13 **FITS, AND PROTECTIONS**

14 **SEC. 301. DISABILITY RETIREMENT AND COST-OF-LIVING**
 15 **ADJUSTMENTS OF ANNUITIES FOR TERRI-**
 16 **TORIAL JUDGES.**

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

19 (1) by amending subsection (c)(4) to read as
 20 follows:

21 “(4) Any senior judge performing judicial duties pur-
 22 suant to recall under paragraph (2) of this subsection
 23 shall be paid, while performing such duties, the same com-
 24 pensation (in lieu of the annuity payable under this sec-
 25 tion) and the same allowances for travel and other ex-

1 penses as a judge on active duty with the court being
2 served.”;

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

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 five 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 ten 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 amending subsection (g) to read as fol-
10 lows:

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. 302. 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,”;

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 pursuant to the provisions of section
13 8344 of such title, and the salary of a reem-
14 ployed annuitant under chapter 84 of title 5
15 shall be adjusted pursuant to the provisions of
16 section 8468 of such title”;

17 (2) in subsection (c)—

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

19 (B) by inserting a comma after “competi-
20 tive service”; and

21 (C) by striking the comma after “such
22 title”; and

23 (3) in subsection (d)—

24 (A) by striking “, United States Code,”
25 each place it appears”; and

1 (B) by striking “, section 5332, title 5”
2 and inserting “under section 5332 of title 5”.

3 **SEC. 303. JUDICIAL ADMINISTRATIVE OFFICIALS RETIRE-**
4 **MENT MATTERS.**

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

7 (1) in subsection (d), by inserting “a congres-
8 sional employee in the capacity of primary adminis-
9 trative assistant to a Member of Congress or in the
10 capacity of staff director or chief counsel for the ma-
11 jority or the minority of a committee or subcommit-
12 tee of the Senate or House of Representatives,”
13 after “Congress,”;

14 (2) in subsection (b)—

15 (A) by striking “who has served at least
16 fifteen years and” and inserting “who has at
17 least fifteen years of service and has”; and

18 (B) in the first undesignated paragraph,
19 by striking “who has served at least ten years,”
20 and inserting “who has at least ten years of
21 service,”; and

22 (3) in subsection (c)—

23 (A) by striking “served at least fifteen
24 years,” and inserting “at least fifteen years of
25 service,”; and

1 (B) by striking “served less than fifteen
2 years,” and inserting “less than fifteen years of
3 service,”.

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

7 (1) in subsection (e), by inserting “a congres-
8 sional employee in the capacity of primary adminis-
9 trative assistant to a Member of Congress or in the
10 capacity of staff director or chief counsel for the ma-
11 jority or the minority of a committee or subcommit-
12 tee of the Senate or House of Representatives,”
13 after “Congress,”;

14 (2) in subsection (c)—

15 (A) by striking “who has served at least
16 fifteen years and” and inserting “who has at
17 least fifteen years of service and has”; and

18 (B) in the first undesignated paragraph,
19 by striking “who has served at least ten years,”
20 and inserting “who has at least ten years of
21 service,”; and

22 (3) in subsection (d)—

23 (A) by striking “served at least fifteen
24 years,” and inserting “at least fifteen years of
25 service,”; and

1 (B) by striking “served less than fifteen
2 years,” and inserting “less than fifteen years of
3 service,”.

4 **SEC. 304. JUDGES’ FIREARMS TRAINING.**

5 (a) IN GENERAL.—Chapter 21 of title 28, United
6 States Code, is amended by adding at the end thereof the
7 following new section:

8 **“§ 464. Carrying of firearms by judicial officers**

9 “(a) AUTHORITY.—A judicial officer of the United
10 States is authorized to carry a firearm, whether concealed
11 or not, under regulations promulgated by the Judicial
12 Conference of the United States. The authority granted
13 by this section shall extend only to—

14 “(1) those States in which the carrying of fire-
15 arms by judicial officers of the State is permitted by
16 State law; and

17 “(2) regardless of State law, to any place where
18 the judicial officer of the United States sits, resides,
19 or is present on official travel status.

20 “(b) IMPLEMENTATION.—

21 “(1) REGULATIONS.—The regulations promul-
22 gated by the Judicial Conference under subsection
23 (a) shall—

24 “(A) require a demonstration of a judicial
25 officer’s proficiency in the use and safety of

1 firearms as a prerequisite to the carrying of
2 firearms under the authority of this section;
3 and

4 “(B) ensure that the carrying of a firearm
5 by a judicial officer under the protection of the
6 United States Marshals Service while away
7 from United States courthouses is consistent
8 with the policy of the Marshals Service on the
9 carrying of firearms by persons receiving such
10 protection.

11 “(2) ASSISTANCE BY OTHER AGENCIES.—At
12 the request of the Judicial Conference, the Depart-
13 ment of Justice and appropriate law enforcement
14 components of the Department shall assist the Judi-
15 cial Conference in developing and providing training
16 to assist judicial officers in securing the proficiency
17 referred to in subsection (b)(1).

18 “(c) DEFINITION.—For purposes of this section, the
19 term, ‘judicial officer of the United States’ means—

20 “(1) a justice or judge of the United States as
21 defined in section 451 in regular active service or re-
22 tired from regular active service;

23 “(2) a justice or judge of the United States who
24 has retired from the judicial office under section
25 371(a) for—

1 “(A) a 1-year period following such jus-
2 tice’s or judge’s retirement; or

3 “(B) a longer period of time if approved by
4 the Judicial Conference of the United States
5 when exceptional circumstances warrant;

6 “(3) a United States bankruptcy judge;

7 “(4) a full-time or part-time United States
8 magistrate judge;

9 “(5) a judge of the United States Court of Fed-
10 eral Claims;

11 “(6) a judge of the District Court of Guam;

12 “(7) a judge of the District Court for the
13 Northern Mariana Islands;

14 “(8) a judge of the District Court of the Virgin
15 Islands; or

16 “(9) an individual who is retired from one of
17 the judicial positions described under paragraphs (3)
18 through (8) to the extent provided for in regulations
19 of the Judicial Conference of the United States.

20 “(d) EXCEPTION.—Notwithstanding section
21 46303(c)(1) of title 49, nothing in this section authorizes
22 a judicial officer of the United States to carry a dangerous
23 weapon on an aircraft or other common carrier.”.

24 (b) TECHNICAL AND CONFORMING AMENDMENT.—
25 The table of sections for chapter 21 of title 28, United

1 States Code, is amended by adding at the end thereof the
 2 following:

“464. Carrying of firearms by judicial officers.”.

3 (c) EFFECTIVE DATE.—The amendments made by
 4 this section shall take effect upon the earlier of the pro-
 5 mulgation of regulations by the Judicial Conference under
 6 the amendments made by this section or one year after
 7 the date of the enactment of this Act.

8 **SEC. 305. EXEMPTION FROM JURY SERVICE.**

9 (a) MEMBERS OF THE ARMED FORCES.—Paragraph
 10 (6) of section 1863(b) of title 28, United States Code, is
 11 amended to read as follows:

12 “(6) specify that members in active service in
 13 the Armed Forces of the United States are barred
 14 from jury service on the ground that they are ex-
 15 empt.”.

16 (b) CONFORMING AMENDMENT.—Section 1869 of
 17 title 28, United States Code, is amended by repealing sub-
 18 section (i).

19 **SEC. 306. EXPANDED WORKERS’ COMPENSATION COV-**
 20 **ERAGE FOR JURORS.**

21 Paragraph (2) of section 1877(b) of title 28, United
 22 States Code, is amended—

23 (1) by striking “or” at the end of clause (C);
 24 and

1 (2) by inserting before the period at the end of
2 clause (D) “, or (E) traveling to or from the court-
3 house pursuant to a jury summons or sequestration
4 order, or as otherwise necessitated by order of the
5 court”.

6 **SEC. 307. PROPERTY DAMAGE, THEFT, AND LOSS CLAIMS**
7 **OF JURORS.**

8 Section 604 of title 28, United States Code, is
9 amended by adding at the end thereof the following new
10 subsection:

11 “(i) The Director may pay a claim by a person sum-
12 moned to serve or serving as a grand juror or petit juror
13 for loss of, or damage to, personal property that occurs
14 incident to that person’s performance of duties in response
15 to the summons or at the direction of an officer of the
16 court. With respect to claims, the Director shall have the
17 authority granted to the head of an agency by section
18 3721 of title 31 for consideration of employees’ personal
19 property claims. The Director shall prescribe guidelines
20 for the consideration of claims under this subsection.”.

21 **SEC. 308. ANNUAL LEAVE LIMIT FOR COURT UNIT EXECU-**
22 **TIVES.**

23 Section 6304(f)(1) of title 5, United States Code, is
24 amended by adding at the end thereof the following:

1 “(F) the judicial branch designated as a court
2 unit executive position by the Judicial Conference of
3 the United States.”.

4 **SEC. 309. TRANSFER OF COUNTY TO MIDDLE DISTRICT OF**
5 **PENNSYLVANIA.**

6 (a) TRANSFER.—Section 118 of title 28, United
7 States Code, is amended—

8 (1) in subsection (a) by striking “Philadelphia,
9 and Schuylkill” and inserting “and Philadelphia”;
10 and

11 (2) in subsection (b) by inserting “Schuylkill,”
12 after “Potter,”.

13 (b) EFFECTIVE DATE.—

14 (1) IN GENERAL.—This section and the amend-
15 ments made by this section shall take effect 180
16 days after the date of the enactment of this Act.

17 (2) PENDING CASES NOT AFFECTED.—This sec-
18 tion and the amendments made by this section shall
19 not affect any action commenced before the effective
20 date of this section and pending on such date in the
21 United States District Court for the Eastern Dis-
22 trict of Pennsylvania.

23 (3) JURIES NOT AFFECTED.—This section and
24 the amendments made by this section shall not af-
25 fect the composition, or preclude the service, of any

1 grand or petit jury summoned, impaneled, or actu-
2 ally serving on the effective date of this section.

3 **SEC. 310. CREATION OF TWO DIVISIONS IN EASTERN DIS-**
4 **TRICT OF LOUISIANA.**

5 (a) CREATION OF TWO DIVISIONS.—Section 98(a) of
6 title 28, United States Code, is amended to read as fol-
7 lows:

8 “(a) The Eastern District comprises two divisions.

9 “(1) The New Orleans Division comprises the par-
10 ishes of Jefferson, Orleans, Plaquemines, Saint
11 Bernard, Saint Charles, Saint John the Bap-
12 tist, Saint Tammany, Tangipahoa, and Wash-
13 ington.

14 “Court for the New Orleans Division shall be held
15 at New Orleans.

16 “(2) The Houma Division comprises the parishes of
17 Assumption, Lafourche, Saint James, and
18 Terrebonne.

19 “Court for the Houma Division shall be held at
20 Houma.”.

21 (b) EFFECTIVE DATE.—

22 (1) IN GENERAL.—This section and the amend-
23 ments made by this section shall take effect 180
24 days after the date of the enactment of this Act.

1 (2) PENDING CASES NOT AFFECTED.—This sec-
 2 tion and the amendments made by this section shall
 3 not affect any action commenced before the effective
 4 date of this section and pending on such date in the
 5 United States District Court for the Eastern Dis-
 6 trict of Louisiana.

7 (3) JURIES NOT AFFECTED.—This section and
 8 the amendments made by this section shall not af-
 9 fect the composition, or preclude the service, of any
 10 grand or petit jury summoned, impaneled, or actu-
 11 ally serving on the effective date of this section.

12 **SEC. 311. DISTRICT JUDGES FOR THE FLORIDA DISTRICT**
 13 **COURTS.**

14 (a) IN GENERAL.—The President shall appoint, by
 15 and with the advice and consent of the Senate—

16 (1) 3 additional district judges for the middle
 17 district of Florida; and

18 (2) 2 additional district judges for the southern
 19 district of Florida.

20 (b) TEMPORARY JUDGESHIP.—

21 (1) IN GENERAL.—The President shall appoint,
 22 by and with the advice and consent of the Senate,
 23 1 additional district judge for the middle district of
 24 Florida.

1 (2) FIRST VACANCY NOT FILLED.—The first va-
 2 cancy in the office of district judge in the middle
 3 district of Florida, occurring 7 years or more after
 4 the confirmation date of the last judge named to fill
 5 the judgeships created by subsection (a) and this
 6 subsection for the middle district of Florida, shall
 7 not be filled.

8 (c) TABLES.—In order that the table contained in
 9 section 133 of title 28, United States Code, reflects the
 10 changes in the total number of permanent district judge-
 11 ships authorized by subsection (a) of this section, the item
 12 relating to Florida in such table is amended to read as
 13 follows:

“Florida:

Northern	4
Middle	14
Southern	18”.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 15 are authorized to be appropriated such sums as may be
 16 necessary to carry out the provisions of this section, in-
 17 cluding such sums as may be necessary to provide appro-
 18 priate space and facilities for the judicial positions created
 19 by this section.

20 (e) EFFECTIVE DATE.—This section and the amend-
 21 ments made by this section shall take effect on the date
 22 of enactment of this Act.

1 **SEC. 312. CHANGE IN COMPOSITION OF DIVISIONS IN WEST-**
2 **ERN DISTRICT OF TENNESSEE.**

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

5 (1) in paragraph (1) by inserting “Dyer,” after
6 “Decatur,”; and

7 (2) in paragraph (2) by striking “Dyer,”.

8 (b) EFFECTIVE DATE.—

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

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

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

1 **SEC. 313. PAYMENTS TO MILITARY SURVIVORS BENEFITS**

2 **PLAN.**

3 Section 371(e) of title 28, United States Code, is
4 amended by inserting after “such retired or retainer pay”
5 the following: “, except such pay as is deductible from the
6 retired or retainer pay as a result of participation in any
7 survivor’s benefits plan in connection with the retired
8 pay,”.

9 **SEC. 314. CREATION OF CERTIFYING OFFICERS IN THE JU-**
10 **DICIAL BRANCH.**

11 (a) APPOINTMENT OF DISBURSING AND CERTIFYING
12 OFFICERS.—Chapter 41 of title 28, United States Code,
13 is amended by adding at the end the following new section:
14 **“§ 613. Disbursing and certifying officers**

15 “(a) DISBURSING OFFICERS.—The Director may
16 designate in writing officers and employees of the judicial
17 branch of the Government, including the courts as defined
18 in section 610 other than the Supreme Court, to be dis-
19 bursing officers in such numbers and locations as the Di-
20 rector considers necessary. Such disbursing officers
21 shall—

22 “(1) disburse moneys appropriated to the judi-
23 cial branch and other funds only in strict accordance
24 with payment requests certified by the Director or in
25 accordance with subsection (b);

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

4 “(3) be held accountable for their actions as
5 provided by law, except that such a disbursing offi-
6 cer shall not be held accountable or responsible for
7 any illegal, improper, or incorrect payment resulting
8 from any false, inaccurate, or misleading certificate
9 for which a certifying officer is responsible under
10 subsection (b).

11 “(b) CERTIFYING OFFICERS.—(1) The Director may
12 designate in writing officers and employees of the judicial
13 branch of the Government, including the courts as defined
14 in section 610 other than the Supreme Court, to certify
15 payment requests payable from appropriations and funds.
16 Such certifying officers shall be responsible and account-
17 able for—

18 “(A) the existence and correctness of the facts
19 recited in the certificate or other request for pay-
20 ment or its supporting papers;

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

23 “(C) the correctness of the computations of cer-
24 tified payment requests.

1 “(2) The liability of a certifying officer shall be en-
 2 forced in the same manner and to the same extent as pro-
 3 vided by law with respect to the enforcement of the liabil-
 4 ity of disbursing and other accountable officers. A certify-
 5 ing officer shall be required to make restitution to the
 6 United States for the amount of any illegal, improper, or
 7 incorrect payment resulting from any false, inaccurate, or
 8 misleading certificates made by the certifying officer, as
 9 well as for any payment prohibited by law or which did
 10 not represent a legal obligation under the appropriation
 11 or fund involved.

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

13 “(1) has the right to apply for and obtain a de-
 14 cision by the Comptroller General on any question of
 15 law involved in a payment request presented for cer-
 16 tification; and

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

19 “(d) OTHER AUTHORITY NOT AFFECTED.—Nothing
 20 in this section affects the authority of the courts with re-
 21 spect to moneys deposited with the courts under chapter
 22 129 of this title.”.

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

“613. Disbursing and certifying officers.”.

1 (c) DUTIES OF DIRECTOR.—Paragraph (8) of sub-
2 section (a) of section 604 of title 28, United States Code,
3 is amended to read as follows:

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

6 **SEC. 315. AUTHORITY TO PRESCRIBE FEES FOR TECH-**
7 **NOLOGY RESOURCES IN THE COURTS.**

8 (a) IN GENERAL.—Chapter 41 of title 28, United
9 States Code, is amended by adding at the end the follow-
10 ing:

11 **“§ 614. Authority to prescribe fees for technology re-**
12 **sources in the courts**

13 “The Judicial Conference is authorized to prescribe
14 reasonable fees pursuant to sections 1913, 1914, 1926,
15 1930, and 1932, for collection by the courts for use of
16 information technology resources provided by the judiciary
17 for remote access to the courthouse by litigants and the
18 public, and to facilitate the electronic presentation of
19 cases. Fees under this section may be collected only to
20 cover the costs of making such information technology re-
21 sources available for the purposes set forth in this section.
22 Such fees shall not be required of persons financially un-
23 able to pay them. All fees collected under this section shall
24 be deposited in the Judiciary Information Technology
25 Fund and be available to the Director without fiscal year

1 limitation to be expended on information technology re-
 2 sources developed or acquired to advance the purposes set
 3 forth in this section.”.

4 (b) CONFORMING AMENDMENT.—The table of sec-
 5 tions for chapter 41 of title 28, United States Code, is
 6 amended by adding at the end the following new item:

“614. Authority to prescribe fees for technology resources in the courts.”.

7 (c) TECHNICAL AMENDMENT.—Chapter 123 of title
 8 28, United States Code, is amended—

9 (1) by redesignating the section 1932 entitled
 10 “Revocation of earned release credit” as section
 11 1933 and placing it after the section 1932 entitled
 12 “Judicial Panel on Multidistrict Litigation”; and

13 (2) in the table of sections by striking the 2
 14 items relating to section 1932 and inserting the fol-
 15 lowing:

“1932. Judicial Panel on Multidistrict Litigation.

“1933. Revocation of earned release credit.”.

16 **TITLE IV—CRIMINAL JUSTICE** 17 **ACT AMENDMENTS**

18 **SEC. 401. MAXIMUM AMOUNTS OF COMPENSATION FOR AT-** 19 **TORNEYS.**

20 Paragraph (2) of subsection (d) of section 3006A of
 21 title 18, United States Code, is amended—

22 (1) in the first sentence—

1 (A) by striking “3,500” and inserting
2 “5,000”; and

3 (B) by striking “1,000” and inserting
4 “1,500”;

5 (2) in the second sentence by striking “2,500”
6 and inserting “3,600”;

7 (3) in the third sentence—

8 (A) by striking “750” and inserting
9 “1,100”; and

10 (B) by striking “2,500” and inserting
11 “3,600”;

12 (4) by inserting after the second sentence the
13 following new sentence: “For representation of a pe-
14 titioner in a non-capital habeas corpus proceeding,
15 the compensation for each attorney shall not exceed
16 the amount applicable to a felony in this paragraph
17 for representation of a defendant before a United
18 States magistrate or the district court, or both. For
19 representation of such petitioner in an appellate
20 court, the compensation for each attorney shall not
21 exceed the amount applicable for representation of a
22 defendant in an appellate court.”; and

23 (5) in the last sentence by striking “750” and
24 inserting “1,100”.

1 **SEC. 402. MAXIMUM AMOUNTS OF COMPENSATION FOR**
 2 **SERVICES OTHER THAN COUNSEL.**

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

5 (1) in paragraph (2)—

6 (A) in subparagraph (A) by striking “300”
 7 and inserting “450”; and

8 (B) in subparagraph (B) by striking “300”
 9 and inserting “450”; and

10 (2) in paragraph (3) in the first sentence by
 11 striking “1,000” and inserting “1,500”.

12 **SEC. 403. TORT CLAIMS ACT AMENDMENT RELATING TO LI-**
 13 **ABILITY OF FEDERAL PUBLIC DEFENDERS.**

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

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

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

Passed the House of Representatives March 18,
 1998.

Attest:

ROBIN H. CARLE,
Clerk.