

Calendar No. 837

106TH CONGRESS
2^D SESSION

S. 1564

[Report No. 106-379]

To protect the budget of the Federal courts.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 1999

Mr. COCHRAN (for himself, Mr. STEVENS, Mr. ROTH, Ms. COLLINS, Mr. HATCH, and Mr. LEAHY) introduced the following bill; which was read twice and referred jointly pursuant to the order of August 4, 1977, to the Committees on the Budget and Governmental Affairs, with instructions that if one committee reports, the other committee have thirty days to report or be discharged

AUGUST 25, 2000

Reported under authority of the order of the Senate of July 26, 2000, by Mr. THOMPSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

AUGUST 25, 2000

Referred to the Committee on the Budget, pursuant to the order of August 4, 1977, for a period not to exceed 30 calendar days

SEPTEMBER 27 (legislative day, SEPTEMBER 22), 2000

Committee discharged pursuant to the order of August 4, 1977, and placed on the calendar

A BILL

To protect the budget of the Federal courts.

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 Courts Budget
 5 Protection Act”.

6 **SEC. 2. BUDGET ESTIMATES.**

7 (a) ~~IN GENERAL.~~—Section 605 of title 28, United
 8 States Code, is amended to read as follows:

9 **“§ 605. Budget estimates**

10 ~~“(a) Notwithstanding section 1105(b) of title 31, the~~
 11 ~~Director, under the supervision of the Judicial Conference~~
 12 ~~of the United States, shall submit to Congress before Jan-~~
 13 ~~uary 25 of each year annual estimates of the following:~~

14 ~~“(1)(A) The expenditures and appropriations~~
 15 ~~necessary for the maintenance and operation of the~~
 16 ~~courts and the Administrative Office and the oper-~~
 17 ~~ation of the judicial survivors annuity fund and any~~
 18 ~~supplemental and deficiency estimates as may be re-~~
 19 ~~quired for such purposes according to law.~~

20 ~~“(B) The estimates required by this paragraph~~
 21 ~~shall be approved, before presentation to Congress,~~
 22 ~~by the Judicial Conference of the United States, ex-~~
 23 ~~cept that the estimate with respect to the Court of~~
 24 ~~International Trade shall be approved by that court~~
 25 ~~and the estimate with respect to the United States~~

1 Court of Appeals for the Federal Circuit shall be ap-
2 proved by that court.

3 ~~“(2)(A) The expenditures and appropriations~~
4 ~~necessary for real property construction activities;~~
5 ~~including construction and acquisitions and repairs~~
6 ~~and alterations, related to United States courthouses~~
7 ~~and other space occupied by entities of the judicial~~
8 ~~branch.~~

9 ~~“(B) For the purpose of preparing estimated~~
10 ~~expenditures and appropriations under this para-~~
11 ~~graph, the Administrator of General Services shall,~~
12 ~~at such times as are required by Congress or the ju-~~
13 ~~dicial branch to ensure timely development and con-~~
14 ~~sideration of courthouse needs and budget requests,~~
15 ~~prepare and submit directly—~~

16 ~~“(i) prospectuses, including cost estimates,~~
17 ~~for future judicial branch construction, acquisi-~~
18 ~~tion, and repair and alteration projects to the~~
19 ~~Director, the Committee on Environment and~~
20 ~~Public Works of the Senate, the Committee on~~
21 ~~Transportation and Infrastructure of the House~~
22 ~~of Representatives, and the Committees on Ap-~~
23 ~~propriations of the Senate and House of Rep-~~
24 ~~resentatives; and~~

1 “(ii) preliminary planning, design and cost
2 estimates of future judicial branch construction,
3 acquisition, and repair and alteration projects
4 to the Director.

5 “(C) In accordance with estimates prepared
6 under this paragraph, funds may be appropriated to
7 the judicial branch for deposit into the Federal
8 Buildings Fund for the construction, acquisition,
9 and repair and alteration of Federal courthouses.
10 Funds deposited into the Federal Buildings Fund
11 under this subparagraph shall not be available for
12 expenses in connection with any construction, acqui-
13 sition, and repair and alteration project for which a
14 prospectus, if required by section 7 of the Public
15 Buildings Act of 1959 (40 U.S.C. 606), has not
16 been approved, except that necessary funds may be
17 expended for each project for required expenses in
18 connection with the development of a proposed pro-
19 spectus.

20 “(b)(1) The estimates submitted to Congress under
21 subsection (a) shall also be submitted to the President for
22 inclusion in the budget of the United States. In including
23 the estimates in the budget, the President shall make no
24 change or alterations whatsoever, and shall not impose or
25 otherwise recommend, directly or indirectly, implementa-

1 tion of a negative allowance, rescission, or any other form
 2 of reduction or change to such estimates.

3 ~~“(2) For the purpose of preparing a unified Federal~~
 4 ~~budget by the President, the Director shall transmit to~~
 5 ~~the President—~~

6 ~~“(A) preliminary estimated expenditures and~~
 7 ~~proposed appropriations for the judicial branch be-~~
 8 ~~fore October 16 of each year; and~~

9 ~~“(B) final estimated expenditures and proposed~~
 10 ~~appropriations for the judicial branch before Decem-~~
 11 ~~ber 24 of each year, and such final estimates shall~~
 12 ~~be identical to the estimates to be submitted to Con-~~
 13 ~~gress under subsection (a).~~

14 ~~“(c) The Director shall cause periodic examinations~~
 15 ~~of the judicial survivors annuity fund to be made by an~~
 16 ~~actuary, who may be an actuary employed by another de-~~
 17 ~~partment of the Government temporarily assigned for the~~
 18 ~~purpose, and whose findings and recommendations shall~~
 19 ~~be transmitted by the Director to the Judicial Con-~~
 20 ~~ference.”.~~

21 ~~(b) RESPONSIBILITIES OF THE ADMINISTRATOR.—~~
 22 ~~Except for the budget submission process provided in sec-~~
 23 ~~tion 605(a)(2) of title 28, United States Code, as added~~
 24 ~~by subsection (a) of this section, the responsibilities of the~~
 25 ~~Administrator of General Services for—~~

1 (1) assessing, with the Director of the Adminis-
 2 trative Office, facility requirements and specifica-
 3 tions and costs for the judicial branch; and

4 (2) the planning and performance of construc-
 5 tion and repair and alteration functions for the judi-
 6 cial branch;

7 shall not be affected by section 605(a) of title 28, United
 8 States Code, as added by subsection (a).

9 **SECTION 1. SHORT TITLE.**

10 *This Act may be cited as the “Federal Courts Budget*
 11 *Protection Act”.*

12 **SEC. 2. BUDGET ESTIMATES.**

13 (a) *IN GENERAL.*—Section 605 of title 28, United
 14 States Code, is amended to read as follows:

15 **“§ 605. Budget estimates**

16 “(a) *The Director, under the supervision of the Judi-*
 17 *cial Conference of the United States, shall submit to Con-*
 18 *gress before January 25 of each year annual estimates of*
 19 *the following:*

20 “(1)(A) *The expenditures and appropriations*
 21 *necessary for the maintenance and operation of the*
 22 *courts and the Administrative Office and the oper-*
 23 *ation of the judicial survivors annuity fund and any*
 24 *supplemental and deficiency estimates as may be re-*
 25 *quired for such purposes according to law.*

1 “(B) *The estimates required by this paragraph*
2 *shall be approved, before presentation to Congress, by*
3 *the Judicial Conference of the United States, except*
4 *that the estimate with respect to the Court of Inter-*
5 *national Trade shall be approved by that court and*
6 *the estimate with respect to the United States Court*
7 *of Appeals for the Federal Circuit shall be approved*
8 *by that court.*

9 “(2)(A) *The expenditures and appropriations*
10 *necessary for real property construction activities, in-*
11 *cluding construction and acquisitions and repairs*
12 *and alterations, related to United States courthouses*
13 *and other space occupied by entities of the judicial*
14 *branch.*

15 “(B) *Estimated expenditures and appropriations*
16 *under this paragraph shall be based on prospectuses*
17 *and other information provided by the Administrator*
18 *of General Services.*

19 “(C) *For the purpose of preparing estimated ex-*
20 *penditures and appropriations under this paragraph,*
21 *the Administrator of General Services shall, at such*
22 *times as are required by Congress or the judicial*
23 *branch to ensure timely development and consider-*
24 *ation of courthouse needs and budget requests, prepare*
25 *and submit directly—*

1 “(i) prospectuses, including cost estimates,
2 for future judicial branch construction, acquisi-
3 tion, and repair and alteration projects to the
4 Director, the Committee on Environment and
5 Public Works of the Senate, the Committee on
6 Transportation and Infrastructure of the House
7 of Representatives, and the Committees on Ap-
8 propriations of the Senate and House of Rep-
9 resentatives; and

10 “(ii) preliminary planning, design and cost
11 estimates of future judicial branch construction,
12 acquisition, and repair and alteration projects to
13 the Director.

14 “(D) In accordance with estimates prepared
15 under this paragraph, funds may be appropriated to
16 the judicial branch for deposit into the Federal Build-
17 ings Fund for the construction, acquisition, and re-
18 pair and alteration of Federal courthouses. Funds de-
19 posited into the Federal Buildings Fund under this
20 subparagraph shall not be available for expenses in
21 connection with any construction, acquisition, and re-
22 pair and alteration project for which a prospectus, if
23 required by section 7 of the Public Buildings Act of
24 1959 (40 U.S.C. 606), has not been approved by the
25 Committee on Environment and Public Works of the

1 *Senate and the Committee on Transportation and In-*
 2 *frastructure of the House of Representatives, except*
 3 *that necessary funds may be expended for each project*
 4 *for required expenses in connection with the develop-*
 5 *ment of a proposed prospectus.*

6 “(b)(1) *The estimates submitted to Congress under sub-*
 7 *section (a) shall also be submitted to the President for inclu-*
 8 *sion in the budget of the United States. In each budget of*
 9 *the United States Government submitted by the President*
 10 *under the first sentence of section 1105(a) of title 31, the*
 11 *President shall make no change or alterations whatsoever,*
 12 *and shall not impose or otherwise recommend, directly or*
 13 *indirectly, implementation of a negative allowance, rescis-*
 14 *sion, or any other form of reduction or change to such esti-*
 15 *mates.*

16 “(2) *For the purpose of preparing a unified Federal*
 17 *budget by the President, the Director shall transmit to the*
 18 *President—*

19 “(A) *preliminary estimated expenditures and*
 20 *proposed appropriations for the judicial branch before*
 21 *October 16 of each year; and*

22 “(B) *final estimated expenditures and proposed*
 23 *appropriations for the judicial branch before Decem-*
 24 *ber 24 of each year, and such final estimates shall be*

1 *identical to the estimates to be submitted to Congress*
 2 *under subsection (a).*

3 *“(c) The Director shall cause periodic examinations of*
 4 *the judicial survivors annuity fund to be made by an actu-*
 5 *ary, who may be an actuary employed by another depart-*
 6 *ment of the Government temporarily assigned for the pur-*
 7 *pose, and whose findings and recommendations shall be*
 8 *transmitted by the Director to the Judicial Conference.”.*

9 *(b) CONFORMING AMENDMENT.—Section 1105(b) of*
 10 *title 31, United States Code, is amended by adding at the*
 11 *end the following: “Estimated expenditures and proposed*
 12 *appropriations for the judicial branch described under sec-*
 13 *tion 605 of title 28 shall be included in the budget and sub-*
 14 *mitted to the President in accordance with that section.”.*

15 *(c) RESPONSIBILITIES OF THE ADMINISTRATOR.—Ex-*
 16 *cept for the budget submission process provided in section*
 17 *605(a)(2) of title 28, United States Code, as added by sub-*
 18 *section (a) of this section, the responsibilities of the Admin-*
 19 *istrator of General Services for—*

20 *(1) assessing, with the Director of the Adminis-*
 21 *trative Office of the United States Courts, the facility*
 22 *requirements, specifications, and costs associated with*
 23 *housing the needs of the judicial branch in buildings*
 24 *to be constructed, leased, or renovated through funds*
 25 *made available to the General Services Administra-*

1 *tion from the Federal Buildings Fund or any other*
2 *source;*

3 *(2) the planning, cost estimating, design and*
4 *performance of construction, leasing and repair, and*
5 *alteration functions for the purpose of housing the ac-*
6 *tivities of the judicial branch; and*

7 *(3) the planning and determination of the hous-*
8 *ing plans of those elements of the executive branch*
9 *which should be included in buildings to be con-*
10 *structed, leased, or renovated for the judicial branch*
11 *where necessary to support the activities of the judi-*
12 *cial branch or to best meet the needs of the Federal*
13 *community;*

14 *shall not be affected by section 605(a) of title 28, United*
15 *States Code, as added by subsection (a).*

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A BILL

To protect the budget of the Federal courts.

SEPTEMBER 27 (legislative day, SEPTEMBER 22), 2000

Committee discharged and placed on the calendar