

Calendar No. 614

110TH CONGRESS
2D SESSION**S. 1638**

To adjust the salaries of Federal justices and judges, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2007

Mr. LEAHY (for himself, Mr. HATCH, Mr. REID, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. KENNEDY, Mr. BINGAMAN, Ms. CANTWELL, Mr. KERRY, Mr. BENNETT, Mr. LIEBERMAN, Mr. DOMENICI, Mr. LAUTENBERG, Mr. WARNER, Ms. SNOWE, Mr. INOUE, Mr. SMITH, Ms. LANDRIEU, Mr. PRYOR, and Mr. CORKER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MARCH 10, 2008

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To adjust the salaries of Federal justices and judges, 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 Judicial Salary
5 Restoration Act of 2007”.

1 **SEC. 2. RESTORATION OF COMPENSATION.**

2 (a) IN GENERAL.—Notwithstanding any other provi-
3 sion of law, the annual rate of salary of—

4 (1) the judges of the district courts, as estab-
5 lished under section 132 of title 28, United States
6 Code, shall be adjusted to \$247,800;

7 (2) the judges of the Court of International
8 Trade, as established under section 251 of title 28,
9 United States Code, shall be adjusted to \$247,800;

10 (3) the judges of the courts of appeals, as es-
11 tablished under section 44 of title 28, United States
12 Code, shall be adjusted to \$262,700;

13 (4) the Associate Justices of the Supreme
14 Court, as described under section 1 of title 28,
15 United States Code, shall be adjusted to \$304,500;
16 and

17 (5) the Chief Justice of the United States, as
18 described under section 1 of title 28, United States
19 Code, shall be adjusted to \$318,200.

20 (b) EFFECTIVE DATE.—This section shall take effect
21 on the first applicable pay period beginning on or after
22 the date of enactment of this Act.

23 **SEC. 3. COORDINATION RULE.**

24 If a pay adjustment under section 2 is to be made
25 for an office or position as of the same date that any other

1 pay adjustment would take effect for such office or posi-
 2 tion, the adjustment under this Act shall be made first.

3 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums
 5 as necessary to carry out this Act.

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “Federal Judicial Salary*
 8 *Restoration Act of 2008”.*

9 **SEC. 2. RESTORATION OF COMPENSATION.**

10 *(a) IN GENERAL.—Effective the first applicable pay*
 11 *period beginning on or after the date of enactment of this*
 12 *Act, the salaries of the following categories of Federal judi-*
 13 *cial officers shall be as follows:*

14 *(1) The judges of the United States district*
 15 *courts appointed under section 133(a) of title 28,*
 16 *United States Code, shall be adjusted to \$218,000.*

17 *(2) The judges of the United States Court of*
 18 *International Trade appointed under section 251(a)*
 19 *of title 28, United States Code, shall be adjusted to*
 20 *\$218,000.*

21 *(3) The judges of the United States courts of ap-*
 22 *peals appointed under section 44(a) of title 28,*
 23 *United States Code, shall be adjusted to \$231,100.*

1 (4) *The associate justices of the United States*
 2 *Supreme Court provided for in section 1 of title 28,*
 3 *United States Code, shall be adjusted to \$267,900.*

4 (5) *The Chief Justice of the United States pro-*
 5 *vided for in section 1 of title 28, United States Code,*
 6 *shall be adjusted to \$279,900.*

7 (b) *COORDINATION RULE.—If a pay adjustment under*
 8 *subsection (a) is to be made for an office as of the same*
 9 *date that any other pay adjustment would take effect for*
 10 *such office, the adjustment under subsection (a) shall be*
 11 *made first.*

12 **SEC. 3. REPEAL OF PROHIBITION ON SALARY INCREASES.**

13 *Section 140 of Public Law 97–92, as amended by Pub-*
 14 *lic Law 107–77 (28 U.S.C. 461 note), is repealed.*

15 **SEC. 4. RETIREMENT PROVISIONS.**

16 (a) *RETIREMENT FROM THE OFFICE.—Section 371 of*
 17 *title 28, United States Code, is amended—*

18 (1) *in subsection (a), by striking “subsection (c)”*
 19 *and inserting “subsection (c)(1)”;*

20 (2) *in subsection (b)(1), by striking “subsection*
 21 *(c)” and inserting “subsection (c)(2)”;* and

22 (3) *by amending subsection (c) to read as fol-*
 23 *lows:*

24 “(c) *AGE AND SERVICE REQUIREMENTS.—*

1 “(1) *RETIREMENT ON SALARY.*—*The age and*
 2 *service requirements for retirement under subsection*
 3 *(a) are as follows:*

<i>“Attained Age:</i>	<i>Years of Service:</i>
67	17
68	16
69	15
70	14
71	13
72	12

4 “(2) *RETIREMENT IN SENIOR STATUS.*—*The age*
 5 *and service requirements for retirement under sub-*
 6 *section (b) are as follows:*

<i>“Attained Age:</i>	<i>Years of Service:</i>
65	15
66	14
67	13
68	12
69	11
70	10”.

7 (b) *ELECTION OF RETIREMENT FOR SITTING*
 8 *JUDGES.*—*Any justice or judge of the United States who*
 9 *is in active service on the date of the enactment of this Act*
 10 *may elect to retire under section 371(a) of title 28, United*
 11 *States Code—*

12 (1) *on the basis of the age and service require-*
 13 *ments under section 371(c)(1) of title 28, United*
 14 *States Code, as amended by subsection (a) of this sec-*
 15 *tion, or*

1 (2) *on the basis of the age and service require-*
 2 *ments under section 371(c) of title 28, United States*
 3 *Code, as in effect on the day before the date of the en-*
 4 *actment of this Act,*

5 *except that the annuity of a justice or judge who makes*
 6 *the election under paragraph (2) shall be equal to the salary*
 7 *such justice or judge was receiving on the day before the*
 8 *date of the enactment of this Act.*

9 (c) **WORKLOAD OF SENIOR JUDGES.**—Section
 10 371(e)(1) of title 28, United States code, is amended—

11 (1) *in subparagraphs (A) and (B), by striking*
 12 *“three months” and inserting “4 months”; and*

13 (2) *in subparagraph (C), by striking “3 months”*
 14 *and inserting “4 months”.*

15 **SEC. 5. ANNUAL SALARY ADJUSTMENTS.**

16 Section 461(a) of title 28, United States Code, is
 17 amended to read as follows:

18 “(a) *Effective at the beginning of the first applicable*
 19 *pay period commencing on or after the first day of the*
 20 *month in which an adjustment takes effect under section*
 21 *5303 of title 5 in the rates of pay under the General Sched-*
 22 *ule (except as provided in subsection (b)), each salary rate*
 23 *which is subject to adjustment under this section shall be*
 24 *adjusted by an amount, rounded to the nearest multiple of*
 25 *\$100 (or, if midway between multiples of \$100, to the next*

1 *higher multiple of \$100) equal to the percentage of such sal-*
 2 *ary rate which corresponds to the percentage of the adjust-*
 3 *ment taking effect under such section 5303 in the rates of*
 4 *pay under the General Schedule.”.*

5 **SEC. 6. INCOME LIMITATION ON RETIREMENT ANNUITY.**

6 *(a) INCOME LIMITATION.—Beginning in calendar year*
 7 *2009, the amount of the annuity in a calendar year of a*
 8 *justice or judge of the United States who retires under sec-*
 9 *tion 371(a) of title 28, United States Code, shall be reduced*
 10 *by the amount of any earned income of such justice or judge*
 11 *in such calendar year that exceeds the amount of the salary*
 12 *the justice or judge was receiving at the time of retirement,*
 13 *as follows:*

14 *(1) For every \$2 in excess of such salary, the an-*
 15 *nuity shall be reduced by \$1, except that the reduction*
 16 *in the annuity in a calendar year as a result of such*
 17 *excess earned income may not exceed 67 percent of the*
 18 *amount of such annuity.*

19 *(2) The reductions made under paragraph (1) in*
 20 *a calendar year expire at the end of that calendar*
 21 *year.*

22 *(b) APPLICABILITY.—Subsection (a) shall not apply to*
 23 *any individual who has retired under section 371(a) of title*
 24 *28, United States Code, before the date of the enactment*
 25 *of this Act.*

1 **SEC. 7. LIMITATION ON ACCEPTANCE OF HONORARY MEM-**
 2 **BERSHIPS.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *GIFT.—The term “gift” has the meaning*
 5 *given under section 109(5) of the Ethics in Govern-*
 6 *ment Act of 1978 (5 U.S.C. App.), except subpara-*
 7 *graphs (A) through (F) of that paragraph shall not*
 8 *apply.*

9 (2) *JUDICIAL OFFICER.—The term “judicial offi-*
 10 *cer” has the meaning given under section 109(10) of*
 11 *the Ethics in Government Act of 1978 (5 U.S.C.*
 12 *App.).*

13 (b) *PROHIBITION ON ACCEPTANCE OF HONORARY*
 14 *MEMBERSHIPS.—A judicial officer may not accept a gift*
 15 *of an honorary membership with a value of more than \$50*
 16 *in any calendar year.*

17 **SEC. 8. JUDICIAL TRAVEL REPORTING REQUIREMENTS.**

18 (a) *IN GENERAL.—*

19 (1) *DEFINITION.—In this subsection, the term*
 20 *“judicial officer” has the meaning given under section*
 21 *109(10) of the Ethics in Government Act of 1978 (5*
 22 *U.S.C. App.).*

23 (2) *REPORTING REQUIREMENT.—In addition to*
 24 *the contents of reports required under section*
 25 *102(a)(2)(B) of the Ethics in Government Act of 1978*
 26 *(5 U.S.C. App.), each judicial officer shall include—*

1 (A) a disclosure and itemization of the
 2 value of payments and reimbursements received
 3 for transportation, lodging, meals, and any other
 4 subsistence expenses;

5 (B) a disclosure of any expenses paid or re-
 6 imbursed for an accompanying spouse or de-
 7 pendent child; and

8 (C) a description of all meetings and events
 9 attended during travel.

10 (b) *PUBLIC AVAILABILITY.*—Section 105 of the Ethics
 11 in Government Act of 1978 (5 U.S.C. App.) is amended
 12 by adding at the end the following:

13 “(e) Notwithstanding subsection (b)(2), the Judicial
 14 Conference and the Director of the Administrative Office of
 15 the United States Courts shall make each report filed by
 16 a judicial officer under this Act (other than a report filed
 17 under section 107) available on the website of the Adminis-
 18 trative Office of the United States Courts.”.

19 **SEC. 9. APPLICATION OF ETHICS REGULATIONS TO THE SU-**
 20 **PREME COURT.**

21 (a) *IN GENERAL.*—The Regulations of the Judicial
 22 Conference of the United States Under Title VI of the Ethics
 23 Reform Act of 1989 Concerning Outside Earned Income,
 24 Honoraria, and Outside Employment and the Regulations
 25 of the Judicial Conference of the United States Under Title

1 *III of the Ethics Reform Act of 1989 Concerning Gifts shall*
 2 *apply to the Chief Justice of the United States, Associate*
 3 *Justices of the Supreme Court of the United States, and*
 4 *officers and employees of the Supreme Court of the United*
 5 *States.*

6 (b) *REVIEW.*—*Not later than 90 days after the date*
 7 *of enactment of this Act, the Judicial Conference shall con-*
 8 *duct a thorough review of the regulations described under*
 9 *subsection (a).*

10 **SEC. 10. JUDICIAL GIFTS.**

11 (a) *IN GENERAL.*—*A Federal judge or justice shall*
 12 *not—*

13 (1) *accept, in connection with a single trip or*
 14 *event, travel, food, lodging, reimbursement, outside*
 15 *earned income, or anything that would be considered*
 16 *a gift under the Regulations of the Judicial Con-*
 17 *ference of the United States Under Title III of the*
 18 *Ethics Reform Act of 1989 Concerning Gifts, valued*
 19 *at greater than \$2,000, from a source other than—*

20 (A) *the Federal Government or a State or*
 21 *local government (other than a public edu-*
 22 *cational institution); or*

23 (B) *a Federal, State, or local bar associa-*
 24 *tion, a subject-matter bar association, a judicial*
 25 *association, the Judicial Division of the Amer-*

1 ican Bar Association, or the National Judicial
2 College; and

3 (2) accept travel, food, lodging, reimbursement,
4 outside earned income, or anything that would be
5 considered a gift under the Regulations of the Judi-
6 cial Conference of the United States Under Title III
7 of the Ethics Reform Act of 1989 Concerning Gifts, in
8 connection with attending, as a speaker or partici-
9 pant, a program, a significant purpose of which is
10 the education of United States Federal or state judges,
11 from a source other than—

12 (A) the Federal Government or a State or
13 local government (other than a public edu-
14 cational institution); or

15 (B) a Federal, State, or local bar associa-
16 tion, a subject-matter bar association, a judicial
17 association, the Judicial Division of the Amer-
18 ican Bar Association, or the National Judicial
19 College.

20 (b) *EXCEPTION.*—Subsection (a)(1) shall not apply to
21 any trip approved by the Department of State to promote
22 the rule of law or developing legal systems in foreign coun-
23 tries, if the reimbursement for that trip is provided only
24 for travel, meals, and lodging expenses.

25 (c) *VALUE LIMITS.*—

1 (1) *AGGREGATE LIMIT.*—*The total value of all*
 2 *travel, gifts, and other things regulated in subsection*
 3 *(a)(1) that are accepted by a Federal judge or justice*
 4 *within a single year shall not exceed \$20,000.*

5 (2) *ADJUSTMENTS.*—*The amounts referenced in*
 6 *paragraph (1) and subsection (a)(1) shall be adjusted*
 7 *by the 12-month percentage increase (if any) in the*
 8 *Consumer Price Index for All Urban Consumers (or*
 9 *a successor index if any) based on the immediately*
 10 *preceding 12 months for which data is available.*

11 **SEC. 11. UNITED STATES COURT OF FEDERAL CLAIMS AC-**
 12 **COUNTABILITY.**

13 *Section 476 of title 28, United States Code, is amended*
 14 *by adding at the end the following:*

15 “(c) *In this section, the term ‘judicial officer’ includes*
 16 *active and senior judges of the United States Court of Fed-*
 17 *eral Claims.’”.*

18 **SEC. 12. BANKRUPTCY TRUSTEES.**

19 (a) *FEEES.*—*Section 330(b)(2) of title 11, United States*
 20 *Code, is amended, in the undesignated matter following sub-*
 21 *paragraph (B), by striking “\$15” in each place it appears*
 22 *and inserting “\$75”.*

23 (b) *NO ADDITIONAL FEES OR COSTS FOR INDIVIDUAL*
 24 *DEBTORS.*—*No additional fee or cost charged to individual*
 25 *debtors or their attorneys shall be assessed to directly or*

1 *indirectly provide funding for any of the \$60 increase in*
 2 *trustee payments provided for by the amendments made*
 3 *under subsection (a).*

4 *(c) EFFECTIVE DATE AND APPLICATION.—*

5 *(1) EFFECTIVE DATE.—This section shall take ef-*
 6 *fect 180 days after the date of enactment of this Act.*

7 *(2) APPLICATION.—The amendments made by*
 8 *this section shall not apply with respect to cases com-*
 9 *menced under title 11, United States Code, before the*
 10 *effective date of this section.*

11 **SEC. 13. SEVERABILITY.**

12 *If any provision of this Act or an amendment made*
 13 *by this Act, or the application of such a provision to any*
 14 *person or circumstance, is held to be unconstitutional, the*
 15 *remainder of this Act and the amendments made by this*
 16 *Act, and the application of this Act and such amendments*
 17 *to any other person or circumstance, shall not be affected*
 18 *by such holding.*

19 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

20 *There are authorized to be appropriated such sums as*
 21 *may be necessary to carry out this Act.*

22 **SEC. 15. EFFECTIVE DATE.**

23 *This Act and the amendments and the repeal made by*
 24 *this Act take effect on the date of the enactment of this Act.*

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A BILL

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judges, and for other purposes.

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