

APPROVING PLACEMENT OF PAINTINGS IN SENATE RECEPTION ROOM

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 380 submitted by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 380) approving the placement of 2 paintings in the Senate reception room.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 380) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 380

Resolved, That the Senate Commission on Art (referred to in this resolution as the "Commission") shall procure appropriate paintings of Senator Arthur H. Vandenberg and Senator Robert F. Wagner and place such paintings in the 2 unfilled spaces on the south wall of the Senate reception room.

SEC. 2. (a) The paintings shall be rendered in oil on canvas and shall be consistent in style and manner with the paintings of Senators Clay, Calhoun, Webster, LaFollette, and Taft now displayed in the Senate reception room.

(b) The paintings may be procured through purchase, acceptance as a gift of appropriate existing paintings, or through the execution of appropriate paintings by a qualified artist or artists to be selected and contracted by the Commission.

SEC. 3. The expenses of the Commission in carrying out this resolution shall be paid out of the contingent fund of the Senate on vouchers signed by the Secretary of the Senate and approved by the Committee on Rules and Administration.

SUPPORT FOR RECOGNITION OF LIBERTY DAY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 376, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 376) expressing the sense of the Congress regarding support for the recognition of a Liberty Day.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any state-

ments relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 376) was agreed to.

The preamble was agreed to.

FEDERAL COURTS IMPROVEMENT ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 860, S. 2915.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2915) to make improvements in the operation and administration of the Federal courts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "Federal Courts Improvement Act of 2000".

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

Sec. 1. Short title and table of contents.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 101. Extension of Judiciary Information Technology Fund.

Sec. 102. Disposition of miscellaneous fees.

Sec. 103. Transfer of retirement funds.

Sec. 104. Increase in chapter 9 bankruptcy filing fee.

Sec. 105. Increase in fee for converting a chapter 7 or chapter 13 bankruptcy case to a chapter 11 bankruptcy case.

Sec. 106. Bankruptcy 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. Membership in circuit judicial councils.

Sec. 206. Sunset of civil justice expense and delay reduction plans.

Sec. 207. Repeal of Court of Federal Claims filing fee.

Sec. 208. Technical bankruptcy correction.

Sec. 209. Technical amendment relating to the treatment of certain bankruptcy fees collected.

Sec. 210. Maximum amounts of compensation for attorneys.

Sec. 211. Reimbursement of expenses in defense of certain malpractice actions.

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Judicial administrative officials retirement matters.

Sec. 302. Applicability of leave provisions to employees of the Sentencing Commission.

Sec. 303. Payments to military survivors benefits plan.

Sec. 304. Creation of certifying officers in the judicial branch.

Sec. 305. Authority to prescribe fees for technology resources in the courts.

Sec. 306. Amendment to the jury selection process.

Sec. 307. Authorization of a circuit executive for the Federal circuit.

Sec. 308. Residence of retired judges.

Sec. 309. Recall of judges on disability status.

Sec. 310. Personnel application and insurance programs relating to judges of the Court of Federal Claims.

Sec. 311. Lump-sum payment for accumulated and accrued leave on separation.

Sec. 312. Employment of personal assistants for handicapped employees.

Sec. 313. Mandatory retirement age for director of the Federal judicial center.

TITLE IV—FEDERAL PUBLIC DEFENDERS

Sec. 401. Tort Claims Act amendment relating to liability of Federal public defenders.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Extensions relating to bankruptcy administrator program.

Sec. 502. Additional place of holding court in the district of Oregon.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 101. EXTENSION OF JUDICIARY INFORMATION TECHNOLOGY FUND.

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

(1) by striking "equipment" each place it appears and inserting "resources";

(2) by striking subsection (f) and redesignating subsections (g) through (k) as subsections (f) through (j), respectively;

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

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

(A) by striking "Judiciary" each place it appears and inserting "judiciary";

(B) by striking "subparagraph (c)(1)(B)" and inserting "subsection (c)(1)(B)"; and

(C) by striking "under (c)(1)(B)" and inserting "under subsection (c)(1)(B)".

SEC. 102. DISPOSITION OF MISCELLANEOUS FEES.

For fiscal year 2001 and each fiscal year thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States under sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees in effect on September 30, 2000, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

SEC. 103. TRANSFER OF RETIREMENT FUNDS.

Section 377 of title 28, United States Code, is amended by adding at the end the following:

"(p) **TRANSFER OF RETIREMENT FUNDS.**—Upon election by a bankruptcy judge or a magistrate judge under subsection (f) of this section, all of the accrued employer contributions and accrued interest on those contributions made on behalf of the bankruptcy judge or magistrate judge to the Civil Service Retirement and Disability Fund under section 8348 of title 5 shall be transferred to the fund established under section 1931 of this title, except that if the bankruptcy judge or magistrate judge elects under section 2(c) of the Retirement and Survivor's Annuities for Bankruptcy Judges and Magistrates Act of 1988 (Public Law 100-659), to receive a retirement annuity under both this section and title 5, only the accrued employer contributions and accrued interest on such contributions, made on behalf of the bankruptcy judge or magistrate judge for service credited under this section, may be transferred."

SEC. 104. INCREASE IN CHAPTER 9 BANKRUPTCY FILING FEE.

Section 1930(a)(2) of title 28, United States Code, is amended by striking "\$300" and inserting "equal to the fee specified in paragraph (3) for filing a case under chapter 11 of title 11. The amount by which the fee payable under this paragraph exceeds \$300 shall be deposited in the fund established under section 1931 of this title".

SEC. 105. INCREASE IN FEE FOR CONVERTING A CHAPTER 7 OR CHAPTER 13 BANKRUPTCY CASE TO A CHAPTER 11 BANKRUPTCY CASE.

The flush paragraph at the end of section 1930(a) of title 28, United States Code, is amended by striking "\$400" and inserting "the amount equal to the difference between the fee specified in paragraph (3) and the fee specified in paragraph (1)".

SEC. 106. BANKRUPTCY FEES.

Section 1930(a) of title 28, United States Code, is amended by adding at the end the following:

"(7) In districts that are not part of a United States trustee region as defined in section 581 of this title, the Judicial Conference of the United States may require the debtor in a case under chapter 11 of title 11 to pay fees equal to those imposed by paragraph (6) of this subsection. Such fees shall be deposited as offsetting receipts to the fund established under section 1931 of this title and shall remain available until expended."

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.**

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, the Commonwealth of the Northern Mariana Islands,".

SEC. 202. MAGISTRATE JUDGE CONTEMPT AUTHORITY.

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

"(e) CONTEMPT AUTHORITY.—

"(1) IN GENERAL.—A United States magistrate judge serving under this chapter shall have within the territorial jurisdiction prescribed by the appointment of such magistrate judge the power to exercise contempt authority as set forth in this subsection.

"(2) SUMMARY CRIMINAL CONTEMPT AUTHORITY.—A magistrate judge shall have the power to punish summarily by fine or imprisonment such contempt of the authority of such magistrate judge constituting misbehavior of any person in the magistrate judge's presence so as to obstruct the administration of justice. The order of contempt shall be issued under the Federal Rules of Criminal Procedure.

"(3) ADDITIONAL CRIMINAL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before

a magistrate judge under section 3401 of title 18, the magistrate judge shall have the power to punish, by fine or imprisonment, criminal contempt constituting disobedience or resistance to the magistrate judge's lawful writ, process, order, rule, decree, or command. Disposition of such contempt shall be conducted upon notice and hearing under the Federal Rules of Criminal Procedure.

"(4) CIVIL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge may exercise the civil contempt authority of the district court. This paragraph shall not be construed to limit the authority of a magistrate judge to order sanctions under any other statute, the Federal Rules of Civil Procedure, or the Federal Rules of Criminal Procedure.

"(5) CRIMINAL CONTEMPT PENALTIES.—The sentence imposed by a magistrate judge for any criminal contempt provided for in paragraphs (2) and (3) shall not exceed the penalties for a Class C misdemeanor as set forth in sections 3581(b)(8) and 3571(b)(6) of title 18.

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

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

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

"(i) the act committed in the magistrate judge's presence may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection;

"(ii) the act that constitutes a criminal contempt occurs outside the presence of the magistrate judge; or

"(iii) the act constitutes a civil contempt, the magistrate judge shall forthwith certify the facts to a district judge and may serve or cause to be served, upon any person whose behavior is brought into question under this paragraph, an order requiring such person to appear before a district judge upon a day certain to show cause why that person should not be adjudged in contempt by reason of the facts so certified. The district judge shall thereupon hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a district judge.

"(7) APPEALS OF MAGISTRATE JUDGE CONTEMPT ORDERS.—The appeal of an order of contempt under this subsection shall be made to the court of appeals in cases proceeding under subsection (c) of this section. The appeal of any other order of contempt issued under this section shall be made to the district court."

SEC. 203. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN PETTY OFFENSE CASES AND MAGISTRATE JUDGE AUTHORITY IN MISDEMEANOR CASES INVOLVING JUVENILE DEFENDANTS.

(a) AMENDMENTS TO TITLE 18.—

(1) PETTY OFFENSE CASES.—Section 3401(b) of title 18, United States Code, is amended by striking "that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction," after "petty offense".

(2) CASES INVOLVING JUVENILES.—Section 3401(g) of title 18, United States Code, is amended—

(A) by striking the first sentence and inserting the following: "The magistrate judge may, in a

petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.";

(B) in the second sentence by striking "any other class B or C misdemeanor case" and inserting "the case of any misdemeanor, other than a petty offense,"; and

(C) by striking the last sentence.

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

"(4) the power to enter a sentence for a petty offense; and

"(5) the power to enter a sentence for a class A misdemeanor in a case in which the parties have consented."

SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIREMENTS.

Section 604 of title 28, United States Code, is amended in subsection (a) by striking the second paragraph designated (24).

SEC. 205. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.

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

(1) by striking paragraph (3) and inserting the following:

"(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council. Service as a member of a judicial council by a judge retired from regular active service under section 371(b) may not be considered for meeting the requirements of section 371(f)(1) (A), (B), or (C)."; and

(2) in paragraph (5) by striking "retirement," and inserting "retirement under section 371(a) or 372(a) of this title,".

SEC. 206. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.

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

SEC. 207. REPEAL OF COURT OF FEDERAL CLAIMS FILING FEE.

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

SEC. 208. TECHNICAL BANKRUPTCY CORRECTION.

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

SEC. 209. TECHNICAL AMENDMENT RELATING TO THE TREATMENT OF CERTAIN BANKRUPTCY FEES COLLECTED.

(a) AMENDMENT.—The first sentence of section 406(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162; 103 Stat. 1016; 28 U.S.C. 1931 note) is amended by striking "service enumerated after item 18" and inserting "service not of a kind described in any of the items enumerated as items 1 through 7 and as items 9 through 18, as in effect on November 21, 1989,".

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

SEC. 210. MAXIMUM AMOUNTS OF COMPENSATION FOR ATTORNEYS.

Section 3006A(d)(2) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking "\$3,500" and inserting "\$5,200"; and

(B) by striking "\$1,000" and inserting "\$1,500";

(2) in the second sentence by striking "\$2,500" and inserting "\$3,700";

(3) in the third sentence—

(A) by striking "\$750" and inserting "\$1,200"; and

(B) by striking "\$2,500" and inserting "\$3,900";

(4) by inserting after the second sentence the following: "For representation of a petitioner in a non-capital habeas corpus proceeding, the compensation for each attorney shall not exceed the amount applicable to a felony in this paragraph for representation of a defendant before a judicial officer of the district court. For representation of such petitioner in an appellate court, the compensation for each attorney shall not exceed the amount applicable for representation of a defendant in an appellate court."; and

(5) in the last sentence by striking "\$750" and inserting "\$1,200".

SEC. 211. REIMBURSEMENT OF EXPENSES IN DEFENSE OF CERTAIN MALPRACTICE ACTIONS.

Section 3006A(d)(1) of title 18, United States Code, is amended by striking the last sentence and inserting "Attorneys may be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court, and the costs of defending actions alleging malpractice of counsel in furnishing representational services under this section. No reimbursement for expenses in defending against malpractice claims shall be made if a judgment of malpractice is rendered against the counsel furnishing representational services under this section. The United States magistrate or the court shall make determinations relating to reimbursement of expenses under this paragraph.".

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 301. JUDICIAL ADMINISTRATIVE OFFICIALS RETIREMENT MATTERS.

(a) **DIRECTOR OF ADMINISTRATIVE OFFICE.**—Section 611 of title 28, United States Code, is amended—

(1) in subsection (d), by inserting "a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives," after "Congress,";

(2) in subsection (b)—

(A) by striking "who has served at least fifteen years and" and inserting "who has at least fifteen years of service and has"; and

(B) in the first undesignated paragraph, by striking "who has served at least ten years," and inserting "who has at least ten years of service,"; and

(3) in subsection (c)—

(A) by striking "served at least fifteen years," and inserting "at least fifteen years of service,"; and

(B) by striking "served less than fifteen years," and inserting "less than fifteen years of service,".

(b) **DIRECTOR OF THE FEDERAL JUDICIAL CENTER.**—Section 627 of title 28, United States Code, is amended—

(1) in subsection (e), by inserting "a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives," after "Congress,";

(2) in subsection (c)—

(A) by striking "who has served at least fifteen years and" and inserting "who has at least fifteen years of service and has"; and

(B) in the first undesignated paragraph, by striking "who has served at least ten years," and inserting "who has at least ten years of service,"; and

(3) in subsection (d)—

(A) by striking "served at least fifteen years," and inserting "at least fifteen years of service,"; and

(B) by striking "served less than fifteen years," and inserting "less than fifteen years of service,".

SEC. 302. APPLICABILITY OF LEAVE PROVISIONS TO EMPLOYEES OF THE SENTENCING COMMISSION.

(a) **IN GENERAL.**—Section 996(b) of title 28, United States Code, is amended by striking all after "title 5," and inserting "except the following: chapters 45 (Incentive Awards), 63 (Leave), 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), and 89 (Health Insurance), and subchapter VI of chapter 55 (Payment for accumulated and accrued leave)".

(b) **SAVINGS PROVISION.**—Any leave that an individual accrued or accumulated (or that otherwise became available to such individual) under the leave system of the United States Sentencing Commission and that remains unused as of the date of the enactment of this Act shall, on and after such date, be treated as leave accrued or accumulated (or that otherwise became available to such individual) under chapter 63 of title 5, United States Code.

SEC. 303. PAYMENTS TO MILITARY SURVIVORS BENEFITS PLAN.

Section 371(e) of title 28, United States Code, is amended by inserting after "such retired or retainer pay" the following: "except such pay as is deductible from the retired or retainer pay as a result of participation in any survivor's benefits plan in connection with the retired pay,".

SEC. 304. CREATION OF CERTIFYING OFFICERS IN THE JUDICIAL BRANCH.

(a) **APPOINTMENT OF DISBURSING AND CERTIFYING OFFICERS.**—Chapter 41 of title 28, United States Code, is amended by adding at the end the following:

"§ 613. Disbursing and certifying officers"

"(a) **DISBURSING OFFICERS.**—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such disbursing officers shall—

"(1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b);

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

"(3) be held accountable for their actions as provided by law, except that such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b).

"(b) **CERTIFYING OFFICERS.**—

"(1) **IN GENERAL.**—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. Such certifying officers shall be responsible and accountable for—

"(A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;

"(B) the legality of the proposed payment under the appropriation or fund involved; and

"(C) the correctness of the computations of certified payment requests.

"(2) **LIABILITY.**—The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certifi-

cates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

"(c) **RIGHTS.**—A certifying or disbursing officer—

"(1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and

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

"(d) **OTHER AUTHORITY NOT AFFECTED.**—Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title.".

(b) **CONFORMING AMENDMENT.**—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following:

"613. Disbursing and certifying officers."

(c) **RULE OF CONSTRUCTION.**—The amendment made by subsection (a) shall not be construed to authorize the hiring of any Federal officer or employee.

(d) **DUTIES OF DIRECTOR.**—Section 604(a)(8) of title 28, United States Code, is amended to read as follows:

"(8) Disburse appropriations and other funds for the maintenance and operation of the courts,".

SEC. 305. AUTHORITY TO PRESCRIBE FEES FOR TECHNOLOGY RESOURCES IN THE COURTS.

(a) **IN GENERAL.**—Chapter 41 of title 28, United States Code, (as amended by this Act) is amended by adding at the end the following:

"§ 614. Authority to prescribe fees for technology resources in the courts"

"The Judicial Conference is authorized to prescribe reasonable fees under sections 1913, 1914, 1926, 1930, and 1932, for collection by the courts for use of information technology resources provided by the judiciary for remote access to the courthouse by litigants and the public, and to facilitate the electronic presentation of cases. Fees under this section may be collected only to cover the costs of making such information technology resources available for the purposes set forth in this section. Such fees shall not be required of persons financially unable to pay them. All fees collected under this section shall be deposited in the Judiciary Information Technology Fund and be available to the Director without fiscal year limitation to be expended on information technology resources developed or acquired to advance the purposes set forth in this section.".

(b) **CONFORMING AMENDMENT.**—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following:

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

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

(1) by redesignating the section 1932 entitled "Revocation of earned release credit" as section 1933 and placing it after the section 1932 entitled "Judicial Panel on Multidistrict Litigation"; and

(2) in the table of sections by striking the 2 items relating to section 1932 and inserting the following:

"1932. Judicial Panel on Multidistrict Litigation.

"1933. Revocation of earned release credit."

SEC. 306. AMENDMENT TO THE JURY SELECTION PROCESS.

Section 1865 of title 28, United States Code, is amended—

(1) in subsection (a) by inserting "or the clerk under supervision of the court if the court's jury selection plan so authorizes," after "jury commission,"; and

(2) in subsection (b) by inserting "or the clerk if the court's jury selection plan so provides," after "may provide,".

SEC. 307. AUTHORIZATION OF A CIRCUIT EXECUTIVE FOR THE FEDERAL CIRCUIT.

Section 332 of title 28, United States Code, is amended by adding at the end the following:

“(h)(1) The United States Court of Appeals for the Federal Circuit may appoint a circuit executive, who shall serve at the pleasure of the court. In appointing a circuit executive, the court shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated by the court. The duties delegated to the circuit executive may include the duties specified in subsection (e) of this section, insofar as such duties are applicable to the Court of Appeals for the Federal Circuit.

“(2) The circuit executive shall be paid the salary for circuit executives established under subsection (f) of this section.

“(3) The circuit executive may appoint, with the approval of the court, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

“(4) The circuit executive and staff shall be deemed to be officers and employees of the United States within the meaning of the statutes specified in subsection (f)(4).

“(5) The court may appoint either a circuit executive under this subsection or a clerk under section 711 of this title, but not both, or may appoint a combined circuit executive/clerk who shall be paid the salary of a circuit executive.”.

SEC. 308. RESIDENCE OF RETIRED JUDGES.

Section 175 of title 28, United States Code, is amended by adding at the end the following:

“(c) Retired judges of the Court of Federal Claims are not subject to restrictions as to residence. The place where a retired judge maintains the actual abode in which such judge customarily lives shall be deemed to be the judge's official duty station for the purposes of section 456 of this title.”.

SEC. 309. RECALL OF JUDGES ON DISABILITY STATUS.

Section 797(a) of title 28, United States Code, is amended—

- (1) by inserting “(1)” after “(a)”;
- (2) by adding at the end the following:

“(2) Any judge of the Court of Federal Claims receiving an annuity under section 178(c) of this title (pertaining to disability) who, in the estimation of the chief judge, has recovered sufficiently to render judicial service, shall be known and designated as a senior judge and may perform duties as a judge when recalled under subsection (b) of this section.”.

SEC. 310. PERSONNEL APPLICATION AND INSURANCE PROGRAMS RELATING TO JUDGES OF THE COURT OF FEDERAL CLAIMS.

(a) IN GENERAL.—Chapter 7 of title 28, United States Code, is amended by inserting after section 178 the following:

“§ 179. Personnel application and insurance programs

“(a) For purposes of construing and applying title 5, a judge of the United States Court of Federal Claims shall be deemed to be an ‘officer’ under section 2104(a) of such title.

“(b) For purposes of construing and applying chapter 89 of title 5, a judge of the United States Court of Federal Claims who—

“(1) is retired under section 178 of this title; and

“(2) was enrolled in a health benefits plan under chapter 89 of title 5 at the time the judge became a retired judge, shall be deemed to be an annuitant meeting the requirements of section 8905(b)(1) of title 5, notwithstanding the length of enrollment prior to the date of retirement.

“(c) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a

judge of the United States Court of Federal Claims in regular active service or who is retired under section 178 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 28, United States Code, is amended by striking the item relating to section 179 and inserting the following:

“179. Personnel application and insurance programs.”.

SEC. 311. LUMP-SUM PAYMENT FOR ACCUMULATED AND ACCRUED LEAVE ON SEPARATION.

Section 5551(a) of title 5, United States Code, is amended in the first sentence by striking “or elects” and inserting “, is transferred to a position described under section 6301(2)(xiii) of this title, or elects”.

SEC. 312. EMPLOYMENT OF PERSONAL ASSISTANTS FOR HANDICAPPED EMPLOYEES.

Section 3102(a)(1) of title 5, United States Code, is amended—

- (1) in subparagraph (A) by striking “and”;
- (2) in subparagraph (B) by adding “and” after the semicolon; and
- (3) by adding at the end the following:

“(C) an office, agency, or other establishment in the judicial branch;”.

SEC. 313. MANDATORY RETIREMENT AGE FOR DIRECTOR OF THE FEDERAL JUDICIAL CENTER.

(a) IN GENERAL.—Section 627 of title 28, United States Code, is amended—

- (1) by striking subsection (a); and
- (2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 376 of title 28, United States Code, is amended—

- (1) in paragraph (1)(D) by striking “subsection (b)” and inserting “subsection (a)”;
- (2) in paragraph (2)(D) by striking “subsection (c) or (d)” and inserting “subsection (b) or (c)”.

TITLE IV—FEDERAL PUBLIC DEFENDERS**SEC. 401. TORT CLAIMS ACT AMENDMENT RELATING TO LIABILITY OF FEDERAL PUBLIC DEFENDERS.**

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

- (1) by inserting “(1)” after “includes”;
- (2) by striking the period at the end and inserting the following: “, and (2) any officer or employee of a Federal public defender organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18.”.

TITLE V—MISCELLANEOUS PROVISIONS**SEC. 501. EXTENSIONS RELATING TO BANKRUPTCY ADMINISTRATOR PROGRAM.**

Section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

- (1) in subparagraph (A), in the matter following clause (ii), by striking “or October 1, 2002, whichever occurs first”; and
- (2) in subparagraph (F)—

- (A) in clause (i)—
- (i) in subclause (II), by striking “or October 1, 2002, whichever occurs first”; and
- (ii) in the matter following subclause (II), by striking “October 1, 2003, or”; and
- (B) in clause (ii), in the matter following subclause (II)—

- (i) by striking “before October 1, 2003, or”; and
- (ii) by striking “, whichever occurs first”.

SEC. 502. ADDITIONAL PLACE OF HOLDING COURT IN THE DISTRICT OF OREGON.

Section 871 of title 28, United States Code, is amended by striking “Eugene” and inserting “Eugene or Springfield”.

AMENDMENT NO. 4332

Mr. SESSIONS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. HATCH, proposes an amendment numbered 4332.

(The text of the amendment is printed in today's RECORD under “Amendments Submitted.”)

Mr. HATCH. Mr. President, this amendment in the nature of a substitute is the product of negotiations between myself and Senator LEAHY, the ranking member of the Judiciary Committee, and Senators GRASSLEY and TORRICELLI, the chairman and ranking member of the Administrative Oversight and the Courts Subcommittee. It is my hope that the Senate will act speedily to pass S. 2915, with this amendment, and return it to the House for that body's approval.

As chairman of the Judiciary Committee, I have the responsibility to review the operation of federal court process and procedures. In doing so, I have strived to ensure that our federal judicial system is administered in an efficient and cost-effective manner, while maintaining a high level of quality in the administration of justice. The substitute amendment I am offering today includes numerous changes to our laws that the Judicial Conference, the governing body of the federal courts, believes are necessary to improve the functions of our courts. They are changes that I believe will help increase the efficiency of the federal judiciary, while ensuring that justice is served.

The amendment contains provisions that reduce unnecessary expenses and improve the efficiency of the judicial system. Specifically, it extends civil and criminal contempt authority to magistrate judges so that they can perform more effectively their existing statutory duties for the district court. It also authorizes magistrate judges (1) to try misdemeanor cases involving juveniles (cases that currently are tried in district court) and (2) to try all petty offense cases without first having to obtain the consent of the defendant. Making these changes will reduce case-load burdens on district judges, thereby permitting district judges more time to handle more serious crimes and more serious offenders.

The amendment also contains provisions that decrease the amount of time judges must devote to non-judicial matters. For example, one such provision raises the maximum compensation level paid to federal or community defenders representing defendants appearing before magistrate or district judges before they must seek a waiver for payment in excess of the prescribed maximum. Currently, payment in excess of the maximum requires the approval of both the judge who presided over the case and the chief judge of the

court. Because the last increase in the maximum compensation level was enacted 14 years ago, federal and community defenders are forced to seek payment waivers in a significant number of cases. As a consequence, judges are forced to spend more time acting as an administrator (attending to ministerial matters) and less time acting as a judge (attending to their civil and criminal dockets). The amendment remedies this problem.

In addition, the amendment contains a provision designed to address the growing trend of Criminal Justice Act ("CJA") panel attorneys being subject to unfounded suits by the defendants they formerly represented. Under current law, CJA panel attorneys must pay their own legal expenses in defending malpractice suits brought by former clients. The result is a chilling effect on the willingness of attorneys to participate as CJA panel attorneys—a chilling effect that serves only to make the obtaining of adequate representation for defendants more difficult. Under current law, the Director of the Administrative Office of the United States Courts is authorized to provide representation for and indemnity to federal and community defender organizations for malpractice claims that arise as a result or furnishing representational services. No such provision, however, is made for CJA panel attorneys. The amendment rectifies this situation and provides CJA panel attorneys with the same protection afforded other federal defenders.

Importantly, the amendment contains provisions designed to assist handicapped employees working for the federal judiciary. These provisions bring the federal judiciary into alignment with the Executive Branch and other government bodies.

The amendment also contains a provision extending for four years the authority of the U.S. Supreme Court Police to provide security beyond the Supreme Court building and grounds for Justices, Court employees, and official visitors. Under current law, this authority will terminate automatically on December 29, 2000. Because security concerns of the Justices and employees of the Supreme Court have not diminished, it is essential that the off-grounds authority of the Supreme Court Police be continued without interruption.

I have touched on only a few of the provisions contained in this amendment. This amendment sets forth a number of other provisions designed to improve judicial financial and personnel administration, judicial process, and other court-related matters. Each of these provisions is intended to enhance the operation of the federal judiciary. It is my hope that my colleagues in the Senate will agree to this amendment quickly, that the House will do likewise, and that this legislation will be signed by the President in short order.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4332) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2915), as amended, was read the third time and passed.

HART-SCOTT-RODINO ANTITRUST IMPROVEMENTS ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 576, S. 1854.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1854) to reform the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hart-Scott-Rodino Antitrust Improvements Act of 2000".

SEC. 2. INCREASE IN THE SIZE OF THE TRANSACTION THRESHOLDS.

(a) *IN GENERAL.*—Section 7A(a) of the Clayton Act (15 U.S.C. 18a(a)) is amended—

(1) in paragraph (3)(B), by striking "\$15,000,000" and inserting "\$50,000,000"; and

(2) by adding at the end the following: "*The filing threshold established in paragraph (3)(B) shall be adjusted by the Federal Trade Commission on January 1, 2005, and each year thereafter, in the same manner as is set forth in section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)). The adjusted amount shall be rounded to the nearest \$1,000,000. As soon as practicable, but not later than January 31 of each year, the Federal Trade Commission shall publish the adjusted amount required by this paragraph.*"

(b) *FILING FEES.*—Section 605 of Public Law 101-162 (103 Stat. 1031; 15 U.S.C. 18a note) is amended to read as follows:

"Sec. 605.(a)(1) The Federal Trade Commission shall assess and collect filing fees which shall be paid by persons acquiring voting securities or assets who are required to file premerger notifications by this section.

"(2) The filing fee shall be—

"(A) \$45,000 if, as a result of the acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person in an amount of at least \$50,000,000 but not exceeding \$100,000,000;

"(B) \$100,000 if the total amount referred to in clause (i) is greater than \$100,000,000 but not exceeding \$1,000,000,000; and

"(C) \$200,000 if the total amount referred to in clause (i) is greater than \$1,000,000,000.

"(2) When the filing threshold established in subsection (a)(3)(B) is adjusted pursuant to subsection (a), the \$50,000,000 threshold established in paragraph (1)(B)(i) shall be adjusted to the same amount.

"(3) No notification shall be considered filed until payment of the fee required by this subsection.

"(4) Fees collected pursuant to this subsection shall be divided and credited as provided in section 605 of Public Law 101-162 (103 Stat. 1031; 15 U.S.C. 18a note) (as in effect on the day before the date of enactment of this subsection)."

SEC. 3. INFORMATION AND DOCUMENTARY REQUESTS.

Section 7A(e)(1) of the Clayton Act (15 U.S.C. 18a(e)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by inserting at the end the following:

"(B)(i) The Assistant Attorney General and the Federal Trade Commission shall each designate a senior official not directly having supervisory responsibility in, or having responsibility for, the review of any enforcement recommendation under this section concerning the transaction at issue to hear any petition filed by the acquiring person or the person whose voting securities or assets are to be acquired, to determine—

"(I) whether the request for additional information or documentary material is unreasonably cumulative, unduly burdensome or duplicative; or

"(II) whether the request for additional information or documentary material has been substantially complied with by the petitioning person.

"(ii) Internal review procedures for petitions filed pursuant to clause (i) shall include reasonable deadlines for expedited review of any such petitions filed, after reasonable negotiations with investigative staff, in order to avoid undue delay of the merger review process.

"(iii) Upon the date of enactment of the Hart-Scott-Rodino Antitrust Improvements Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall conduct an internal review and implement reforms of the merger review process in order to eliminate unnecessary burden, remove costly duplication, and eliminate undue delay, in order to achieve a more effective and more efficient merger review process.

"(iv) Not later than 120 days after the date of enactment of the Hart-Scott-Rodino Antitrust Improvements Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall issue or amend their respective industry guidance, regulations, operating manuals and relevant policy documents, where appropriate, to implement each reform in this subparagraph.

"(v) Not later than 180 days after the date of enactment of the Hart-Scott-Rodino Antitrust Improvements Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall each report to Congress—

"(I) what reforms each agency has adopted under this subparagraph;

"(II) what steps each has taken to implement such internal reforms; and

"(III) the effects of those reforms."

SEC. 4. CALCULATION OF FILING PERIODS.

Section 7A of the Clayton Act (15 U.S.C. 18a) is amended—

(1) in subsection (e)(2), by striking "20 days" and inserting "30 days"; and

(2) by adding at the end the following:

"(k) If the end of any period of time provided in this section falls on a Saturday, Sunday, or legal holiday, then that period shall be extended to the end of the following business day."

SEC. 5. ADDITIONAL REQUIREMENTS FOR ANNUAL REPORTS.

Section 7A(j) of the Clayton Act (15 U.S.C. 18a(j)) is amended by—

(1) inserting "(1)" after "(j)"; and

(2) inserting at the end the following:

"(2) Beginning with the report filed in 2001, the Federal Trade Commission, in consultation with the Assistant Attorney General, shall include in the report to Congress required by this subsection—