

Whereas, for 5 years now, family farmers have been held hostage by the contentious debate surrounding the larger bankruptcy issue. For 5 years, the family farmer has been waiting to see if Congress will extend these protections for another few months until we reach the next legislative hurdle on the larger bankruptcy issues; and

Whereas right now, family farmers are making plans to borrow money based on next year's expected harvest in order to be able to buy the seeds needed to plant the crops for that harvest. As these farmers leverage themselves, they need to have the assurance that Chapter 12 family farmer bankruptcy protections are going to be there for them on a permanent basis. Sporadic and temporarily extensions do not do the job.

Now therefore, be it resolved that it is the sense of the House of Representatives that the Speaker should immediately call up for consideration by this body, HR 5348, the Family Farmers and Family Fishermen Protection Act of 2002, which will once and for all give family farmers the permanent bankruptcy protections they have been waiting over five years for.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that resolution, the form of the resolution noticed by the gentleman from Pennsylvania will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

Mr. HOLDEN. Mr. Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

The SPEAKER pro tempore. That time will be designated.

FEDERAL COURTS IMPROVEMENT ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4125) to make improvements in the operation and administration of the Federal courts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Courts Improvement Act of 2002".

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

Section 1. Short title; table of contents.

TITLE I—JUDICIAL PROCESS IMPROVEMENTS

Sec. 101. Authority of bankruptcy administrators to appoint trustees and to serve as trustees in bankruptcy cases in the States of Alabama and North Carolina.

Sec. 102. Change in composition of divisions of Eastern District of Texas.

Sec. 103. Conditions of probation and supervised release.

Sec. 104. Reporting of wiretap orders.

Sec. 105. Clarifying the scope of diversity of citizenship for resident aliens.

Sec. 106. Authority of district courts regarding jurors.

Sec. 107. Deletion of automatic excuse from jury service for members of the Armed Forces, members of fire and police departments, and public officers.

Sec. 108. Elimination of the public drawing requirements for selection of juror wheels.

Sec. 109. Supplemental attendance fee for petit jurors serving on lengthy trials.

Sec. 110. Change in composition of divisions in Western District of Tennessee.

Sec. 111. Place of holding court in the Southern District of Ohio.

Sec. 112. Place of holding court in the Northern District of New York.

TITLE II—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 201. Disability retirement and cost-of-living adjustments of annuities for territorial judges.

Sec. 202. Federal Judicial Center personnel matters.

Sec. 203. Annual leave limit for judicial branch executives.

Sec. 204. Supplemental benefits program.

Sec. 205. Inclusion of judicial branch personnel in organ donor leave program.

Sec. 206. Maximum amounts of compensation for attorneys.

Sec. 207. Maximum amounts of compensation for services other than counsel.

Sec. 208. Protection against malicious recording of fictitious liens against Federal judges.

Sec. 209. Appointing authority for circuit librarians.

TITLE III—ADDITIONAL PROVISIONS

Sec. 301. Monitoring of communications of officers and employees of judicial branch.

Sec. 302. Clerical amendments.

TITLE I—JUDICIAL PROCESS IMPROVEMENTS

SEC. 101. AUTHORITY OF BANKRUPTCY ADMINISTRATORS TO APPOINT TRUSTEES AND TO SERVE AS TRUSTEES IN BANKRUPTCY CASES IN THE STATES OF ALABAMA AND NORTH CAROLINA.

Until the amendments made by subtitle A of title II of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note; Public Law 99-554; 100 Stat. 3088) become effective in and with respect to a judicial district in the State of Alabama, or in and with respect to a judicial district in the State of North Carolina—

(1) a reference in sections 303(g), 701(a), 703(b), 703(c), 1102(a), 1104(d), 1163, 1202, and 1302 of title 11, United States Code, to the United States trustee shall be deemed to be a reference to the bankruptcy administrator appointed and serving in such district under the authority of section 302(d)(3)(I) of such Act;

(2) a reference in sections 1202(a) and 1302(a) of title 11, United States Code, to section 586(b) of title 28, United States Code, shall be deemed to be a reference to such section as modified in operation by the other provisions of this section;

(3) a reference in sections 701(a)(1) and 703(c) of title 11, United States Code, to a panel of private trustees established under section 586(a)(1) of title 28, United States Code, shall be deemed to be a reference to the panel of private trustees established in such district under the authority of section 302(d)(3)(I)(i) of such Act; and

(4) a reference in subsections (b), (d), and (e) of section 586 of title 28, United States Code—

(A) to the Attorney General shall be deemed to be a reference to the Director of the Administrative Office of the United States Courts;

(B) to the United States trustee for the region shall be deemed to be a reference to the bankruptcy administrator appointed for such district;

(C) to a standing trustee shall be deemed to be a reference to a standing trustee appointed by the bankruptcy administrator;

(D) to the designation of one or more assistant United States trustees shall be disregarded; and

(E) to the deposit in the United States Trustee System Fund shall be deemed to be a reference to the payment to the clerk of the court for deposit in the Treasury;

for purposes of cases pending under title 11, United States Code, in such district.

SEC. 102. CHANGE IN COMPOSITION OF DIVISIONS OF EASTERN DISTRICT OF TEXAS.

(a) IN GENERAL.—Section 124(c) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking "Denton, and Grayson" and inserting "Delta, Denton, Fannin, Grayson, Hopkins, and Lamar"; and

(B) by inserting "and Plano" after "held at Sherman";

(2) by striking paragraph (4) and redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively; and

(3) in paragraph (5), as so redesignated, by inserting "Red River," after "Franklin,".

(b) TEXARKANA.—Sections 83(b)(1) and 124(c)(5) (as redesignated by subsection (a) of this section) of title 28, United States Code, are each amended by inserting after "held at Texarkana" the following: ", and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) PENDING CASES NOT AFFECTED.—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Eastern District of Texas on such date.

(3) JURIES NOT AFFECTED.—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the Eastern Judicial District of Texas on the effective date of this section.

SEC. 103. CONDITIONS OF PROBATION AND SUPERVISED RELEASE.

(a) CONDITIONS OF PROBATION.—Section 3563(a)(2) of title 18, United States Code, is amended by striking "(b)(2), (b)(3), or (b)(13)" and inserting "(b)(2) or (b)(12)".

(b) SUPERVISED RELEASE AFTER IMPRISONMENT.—Section 3583(d) of title 18, United States Code, is amended by striking "section 3563(b)(1)" and all that follows through "appropriate." and inserting "section 3563(b) and any other condition it considers to be appropriate, except that a condition set

forth in subsection 3563(b)(10) shall be imposed only for a violation of a condition of supervised release in accordance with subsection (e)(2) of this section and only when facilities are available."

(c) **CONFORMING AMENDMENT.**—Section 3563(b)(10) of title 18, United States Code, is amended by inserting "or supervised release" after "probation".

SEC. 104. REPORTING OF WIRETAP ORDERS.

Paragraph (1) of section 2519 of title 18, United States Code, is amended by striking all that precedes "(a)" and inserting the following:

"(1) In January of each year, any judge who has issued an order (or extension thereof) under section 2518 which expired during the preceding year or who has denied approval of an interception during that year, shall report to the Administrative Office of the United States Courts—".

SEC. 105. CLARIFYING THE SCOPE OF DIVERSITY OF CITIZENSHIP FOR RESIDENT ALIENS.

Section 1332(a) of title 28, United States Code, is amended by striking the last sentence and inserting the following: "The district courts shall not have original jurisdiction under paragraph (2) or (3) where the matter in controversy is between a citizen of a State and a citizen or subject of a foreign state admitted to the United States for permanent residence and domiciled in the same State.".

SEC. 106. AUTHORITY OF DISTRICT COURTS REGARDING JURORS.

Section 1866(g) of title 28, United States Code, is amended in the first sentence—

(1) by striking "shall" and inserting "may"; and

(2) by striking "his" and inserting "the".

SEC. 107. DELETION OF AUTOMATIC EXCUSE FROM JURY SERVICE FOR MEMBERS OF THE ARMED FORCES, MEMBERS OF FIRE AND POLICE DEPARTMENTS, AND PUBLIC OFFICERS.

(a) **REMOVAL OF EXEMPTION.**—Section 1863(b) of title 28, United States Code, is amended by striking paragraph (6) and redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively.

(b) **CONFORMING AMENDMENTS.**—(1) Section 1865(a) of title 28, United States Code, is amended in the first sentence by striking "or exempt".

(2) Section 1866 of title 28, United States Code, is amended—

(A) in the first sentence of subsection (a), by striking "exempt or";

(B) in the first sentence of subsection (c)—

(i) by striking "or (6)"; and

(ii) by striking "excused, or exempt" and inserting "or excused"; and

(C) in subsection (d), by striking "exempt".

(3) Section 1869 of title 28, United States Code, is amended—

(A) in the first sentence of subsection (h), by striking "or exempted"; and

(B) by repealing subsection (i).

(c) **DISCRETIONARY EXEMPTION FROM SERVICE.**—(1) Section 982 of title 10, United States Code, is amended—

(A) by amending the section heading to read as follows:

"§982. Members: service on Federal, State, and local juries";

and

(B) by striking "State or" and inserting "Federal, State, or".

(2) The item relating to section 982 in the table of sections for chapter 49 of title 10, United States Code, is amended to read as follows:

"982. Members: service on Federal, State, and local juries.".

SEC. 108. ELIMINATION OF THE PUBLIC DRAWING REQUIREMENTS FOR SELECTION OF JUROR WHEELS.

(a) **DRAWING OF NAMES FROM JURY WHEEL.**—Section 1864(a) of title 28, United States Code, is amended—

(1) in the first sentence, by striking "publicly"; and

(2) by inserting after the first sentence the following new sentence: "The clerk or jury commission shall post a general notice for public review in the clerk's office explaining the process by which names are periodically and randomly drawn.".

(b) **SELECTION AND SUMMONING OF JURY PANELS.**—Section 1866(a) of title 28, United States Code, is amended—

(1) in the second sentence, by striking "publicly"; and

(2) by inserting after the second sentence the following new sentence: "The clerk or jury commission shall post a general notice for public review in the clerk's office explaining the process by which names are periodically and randomly drawn.".

(c) **CONFORMING AMENDMENT.**—Section 1869(k) of title 28, United States Code, is repealed.

SEC. 109. SUPPLEMENTAL ATTENDANCE FEE FOR PETIT JURORS SERVING ON LENGTHY TRIALS.

Section 1871(b)(2) of title 28, United States Code, is amended by striking "thirty" each place it appears and inserting "five".

SEC. 110. CHANGE IN COMPOSITION OF DIVISIONS IN WESTERN DISTRICT OF TENNESSEE.

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

(1) in paragraph (1)—

(A) by inserting "Dyer," after "Decatur"; and

(B) in the last sentence, by inserting "and Dyersburg" after "Jackson"; and

(2) in paragraph (2)—

(A) by striking "Dyer"; and

(B) in the second sentence, by striking "and Dyersburg".

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) **PENDING CASES NOT AFFECTED.**—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Western District of Tennessee on such date.

(3) **JURIES NOT AFFECTED.**—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the Western Judicial District of Tennessee on the effective date of this section.

SEC. 111. PLACE OF HOLDING COURT IN THE SOUTHERN DISTRICT OF OHIO.

Section 115(b)(2) of title 28, United States Code, is amended by striking "and Steubenville" and inserting "Steubenville, and St. Clairsville".

SEC. 112. PLACE OF HOLDING COURT IN THE NORTHERN DISTRICT OF NEW YORK.

Section 112(a) of title 28, United States Code, is amended by striking "and Watertown" and inserting "Watertown, and Plattsburgh".

TITLE II—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 201. DISABILITY RETIREMENT AND COST-OF-LIVING ADJUSTMENTS OF ANNUITIES FOR TERRITORIAL JUDGES.

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

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

"(4) Any senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall be paid, while performing such duties, the same compensation (in lieu of the annuity payable under this section) and the same allowances for travel and other expenses as a judge on active duty with the court being served.";

(2) by amending subsection (e) to read as follows:

"(e)(1) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who is not reappointed (as judge of such court) shall be entitled, upon attaining the age of sixty-five years or upon relinquishing office if the judge is then beyond the age of sixty-five years—

"(A) if the judicial service of such judge, continuous or otherwise, aggregates fifteen years or more, to receive during the remainder of such judge's life an annuity equal to the salary received when the judge left office; or

"(B) if such judicial service, continuous or otherwise, aggregated less than fifteen years, to receive during the remainder of such judge's life an annuity equal to that proportion of such salary which the aggregate number of such judge's years of service bears to fifteen.

"(2) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who has served at least five years, continuously or otherwise, and who retires or is removed upon the sole ground of mental or physical disability, shall be entitled to receive during the remainder of such judge's life an annuity equal to 40 percent of the salary received when the judge left office or, in the case of a judge who has served at least ten years, continuously or otherwise, an annuity equal to that proportion of such salary which the aggregate number of such judge's years of judicial service bears to fifteen."; and

(3) by amending subsection (g) to read as follows:

"(g) Any retired judge who is entitled to receive an annuity under this section shall be entitled to a cost-of-living adjustment in the amount computed as specified in section 8340(b) of title 5, except that in no case may the annuity payable to such retired judge, as increased under this subsection, exceed the salary of a judge in regular active service with the court on which the retired judge served before retiring.".

SEC. 202. FEDERAL JUDICIAL CENTER PERSONNEL MATTERS.

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

(1) in subsection (b)—

(A) by striking "United States Code";

(B) by striking "pay rates, section 5316, title 5, United States Code" and inserting "under section 5316 of title 5, except that the Director may fix the compensation of 4 positions of the Center at a level not to exceed the annual rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5"; and

(C) by striking "the Civil" and all that follows through "Code" and inserting "subchapter III of chapter 83 of title 5 shall be adjusted pursuant to the provisions of section 8344 of such title, and the salary of a reemployed annuitant under chapter 84 of title 5 shall be adjusted pursuant to the provisions of section 8468 of such title";

(2) in subsection (c), by striking "United States Code"; and

(3) in subsection (d)—

(A) by striking "United States Code"; and

(B) by striking "section 5332, title 5, United States Code" and inserting "under section 5332 of title 5".

SEC. 203. ANNUAL LEAVE LIMIT FOR JUDICIAL BRANCH EXECUTIVES.

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

- (1) in subparagraph (D), by striking “or”;
- (2) in subparagraph (E), by striking the period and inserting “; or”;
- (3) by adding at the end the following:

“(F) the judicial branch designated as a court unit executive position by the Judicial Conference of the United States or designated as an executive position in the Federal Judicial Center by the Board of the Federal Judicial Center.”.

SEC. 204. SUPPLEMENTAL BENEFITS PROGRAM.

Section 604(a) of title 28, United States Code, is amended—

- (1) by redesignating paragraphs (6) through (24) as paragraphs (7) through (25), respectively; and
- (2) by inserting after paragraph (5) the following:

“(6) In the Director’s discretion, establish a program of benefits, in addition to those otherwise provided by law, for officers and employees of the judicial branch, including justices and judges of the United States;”.

SEC. 205. INCLUSION OF JUDICIAL BRANCH PERSONNEL IN ORGAN DONOR LEAVE PROGRAM.

Section 6327(a) of title 5, United States Code, is amended by inserting “or an entity of the judicial branch” after “An employee in or under an Executive agency”.

SEC. 206. MAXIMUM AMOUNTS OF COMPENSATION FOR ATTORNEYS.

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

- (1) by striking “\$5,200” and inserting “\$7,000”;
- (2) by striking “\$1,500” and inserting “\$2,000”;
- (3) by striking “\$3,700” and inserting “\$5,000”;
- (4) by striking “\$1,200” each place it appears and inserting “\$1,500”; and
- (5) by striking “\$3,900” and inserting “\$5,000”.

SEC. 207. MAXIMUM AMOUNTS OF COMPENSATION FOR SERVICES OTHER THAN COUNSEL.

Subsection (e) of section 3006A of title 18, United States Code, is amended—

- (1) in paragraph (2)—
 - (A) in subparagraph (A), by striking “\$300” and inserting “\$500”; and
 - (B) in subparagraph (B), by striking “\$300” and inserting “\$500”; and
- (2) in paragraph (3), by striking “\$1,000” and inserting “\$1,600”.

SEC. 208. PROTECTION AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by adding at the end thereof the following:

“§ 1521. Retaliating against a Federal judge by false claim or slander of title

“(a) Whoever files or attempts to file, in any public record or in any private record which is generally available to the public, any lien, encumbrance, civil claim, or other document against a Federal judge or against the real or personal property of a Federal judge, knowing or having reason to know that such claim, lien, encumbrance, or document is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than five years, or both. In the case of an offense under this subsection which was committed after the defendant had previously been convicted of an earlier offense under this subsection, the defendant shall be fined under this title or imprisoned for not more than ten years, or both.

“(b) As used in this section, the term ‘Federal judge’ means a justice or judge of the United States as defined in section 451 of title 28, a judge of the United States Court of Federal Claims, a United States bankruptcy judge, a United States magistrate judge, and a judge of the United States Court of Appeals for the Armed Forces, United States Court of Appeals for Veterans Claims, United States Tax Court (including any special trial judge appointed under section 7443A of the Internal Revenue Code of 1986), District Court of Guam, District Court of the Northern Mariana Islands, or District Court of the Virgin Islands.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

“1521. Retaliating against a Federal judge by false claim or slander of title.”.

SEC. 209. APPOINTING AUTHORITY FOR CIRCUIT LIBRARIANS.

Section 713 of title 28, United States Code, is amended—

- (1) in subsection (a)—
 - (A) by striking “Each court of appeals” and inserting “The judicial council of each circuit”; and
 - (B) by striking “the court” and inserting “the judicial council”; and
- (2) in subsection (b), by striking “court” each place it appears and inserting “judicial council”.

TITLE III—ADDITIONAL PROVISIONS**SEC. 301. MONITORING OF COMMUNICATIONS OF OFFICERS AND EMPLOYEES OF JUDICIAL BRANCH.**

Section 604 of title 28, United States Code, is amended by adding at the end the following:

“(i)(1) The Judicial Conference should take such steps as it deems necessary and appropriate to safeguard the privacy of officers and employees of the judicial branch by ensuring that—

“(A) the Director does not intercept electronic communications of any such officer or employee (including any electronic communication consisting of an electronic mail message or a transfer of information by means of the World Wide Web or the Internet) between or among computers, or hire or enter into a contract with another entity to monitor or intercept such communications, except pursuant to—

- “(i) a law enforcement investigation;
- “(ii) prior authorization by the Judicial Conference or its Executive Committee; or
- “(iii) a policy adopted by the Judicial Conference setting forth the procedures under which the interception of such communications may be authorized; and

“(B) any information obtained pursuant to interception of communications authorized under subparagraph (A) is used solely for the purposes for which the interception is authorized.

“(2) In this subsection—

“(A) the term ‘electronic communication’ has the meaning given that term in section 2510 of title 18;

“(B) the terms ‘by means of the World Wide Web’ and ‘Internet’ have the meanings given those terms in section 231(e) of the Communications Act of 1934 (47 U.S.C. 231(e)); and

“(C) the term ‘computer’ has the meaning given that term in section 1030(e) of title 18.”.

SEC. 302. CLERICAL AMENDMENTS.

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

- (1) in subsection (a)(3), by striking “371(f)(1)” and inserting “371(e)(1)”;
- (2) by striking the second subsection designated “(h)”;

(3) in subsection (f)(4), by striking “, United States Code”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Pennsylvania (Mr. HOLDEN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4125, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is necessary for the proper functioning of the Federal court system. The legislation addresses various judicial process matters, as well as personnel and compensation issues. I will briefly mention a few of the major provisions included in this legislation.

The bill makes changes in places of holding court in order to alleviate hardships placed upon parties, jurors, lawyers, and judges that must otherwise travel great distances to participate. This will have a positive impact on the administration of justice.

The bill will permit judges to submit annual summary reports on wiretap orders acted on during the previous calendar year, such as prosecutors do. This change would simplify the reporting requirements for the judges and their staffs without affecting the accuracy or timeliness of the reporting required by statute.

The bill gives territorial judges in the District Courts of Guam, the Northern Mariana Islands, and the Virgin Islands comparable retirement arrangements as other judges.

The bill includes the judicial branch personnel in the Organ Donor Leave Program, and provides Federal judges with protection against the malicious recording of fictitious liens.

The manager’s amendment makes only noncontroversial technical changes.

Section 101 is amended to clarify that bankruptcy administrators in North Carolina and Alabama have the same authority as U.S. trustees to appoint bankruptcy case trustees, standing trustees, examiners, and committees of creditors and equity security holders. It also corrects several highly technical drafting errors.

Finally, Mr. Speaker, section 204 authorizes the Director of the Administrative Office to establish a program of benefits not currently authorized by law. The Judicial Conference request for this authority is based on the conclusion that the health benefits provided for employees of the judicial

branch need to be upgraded to attract and retain employees in future years.

The Administrative Office intends to expand an existing cafeteria health benefit plan by adding a dental benefits program to it. The judiciary currently provides health benefit programs which involve the use of employee compensation contributions to medical savings accounts and long-term disability accounts. These health care costs can then be paid with pretax dollars. The dental program will require appropriated funds, and enactment of section 204 will allow the judiciary to seek funding for it from the Committee on Appropriations.

The authority provided in section 204 is not intended to provide open-ended discretion to the Director of the Administrative Office to establish benefit programs. The Committee on the Judiciary and Committee on Government Reform will exercise their oversight responsibility on this program. Also, the Committee on Appropriations will have a significant role to play as appropriations are requested to continue and expand judiciary employee benefits in the future.

I am assured that the Judicial Conference will work closely with the Congress as these programs progress in future years.

Mr. Speaker, H.R. 4125 will greatly assist the Federal courts in their operation. This is noncontroversial legislation, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. HOLDEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4125, the Federal Courts Improvement Act of 2002. H.R. 4125 is a noncontroversial bill that will contribute to judicial efficiency and promote the sound management of the judicial branch.

H.R. 4125 and its predecessor have been fully considered by the Committee on the Judiciary. On July 17, 2001, the Subcommittee on Courts, the Internet, and Intellectual Property of the Committee on the Judiciary held a legislative hearing on H.R. 2522, the precursor to H.R. 4125. Based on testimony received at the hearing and subsequent reaction, the subcommittee chairman, the gentleman from North Carolina (Mr. COBLE), and the ranking member, the gentleman from California (Mr. BERMAN), introduced a clean bill, H.R. 4125, devoid of all controversial items.

On May 2, the subcommittee conducted a markup of H.R. 4125. On September 10, 2002, the full Committee on the Judiciary held a markup, adopted several amendments, and reported H.R. 4125 favorably.

□ 1700

The version of H.R. 4125 before the House today contains several amendments to the version reported by the Committee on the Judiciary. Most of these amendments are technical but

one is substantive. The amendments in section 101 ensure that the bankruptcy administrators have the same powers as bankruptcy trustees, no more and no less. With these amendments and those made during the committee consideration, I believe that H.R. 4125 has been rendered wholly noncontroversial.

H.R. 4125 contains a variety of noteworthy provisions, but I wish to highlight one in particular. Section 301 states that the Judicial Conference of the U.S. Courts should take certain steps to protect the privacy of judges and judicial employees. Namely, the Judicial Conference should ensure that the Administrative Office of the U.S. Courts does not intercept electronic communications of judges and judicial employees without authorization from the Judicial Conference.

I fully support H.R. 4125 and encourage my colleagues to do the same.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILCHREST). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4125, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING AND HONORING THE CAREER AND WORK OF JUSTICE C. CLIFTON YOUNG

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 417) recognizing and honoring the career and work of Justice C. Clifton Young.

The Clerk read as follows:

H. RES. 417

Whereas Justice C. Clifton Young, a native Nevadan, has served in public office since 1950;

Whereas Justice Young was elected to the House of Representatives in 1952 where he served for 2 terms and never missed a vote;

Whereas Justice Young served for 14 years in the Nevada State Senate where he focused principally on land use issues;

Whereas Justice Young has served on the Nevada Supreme Court since 1984;

Whereas Justice Young was inducted into the Nevada State Senate Hall of Fame in 1995;

Whereas in addition to his service in elected office, Justice Young has remained active in various community and service organizations, including serving as President of the National Wildlife Foundation;

Whereas Justice Young attended the University of Nevada in Reno, and Harvard Law School;

Whereas Justice Young proudly served as an officer in the 103rd Infantry Division in France, Germany, and Austria during World War II;

Whereas Justice Young has been a loving husband to Jane Hempfling Young for almost 50 years, and together they have raised 5 children; and

Whereas Justice Young stands as a role model to all people of the United States as a proud and successful public servant: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the dedication and commitment of Justice C. Clifton Young to the people of Nevada and the United States;

(2) congratulates Justice Young on his long and successful career; and

(3) expresses its best wishes to Justice Young upon his retirement from the Nevada Supreme Court.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Pennsylvania (Mr. HOLDEN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 417.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution was introduced by our distinguished colleague, the gentleman from Nevada (Mr. GIBBONS).

The honoree, C. Clifton Young, was a Member of Congress representing Nevada and currently serves on the Nevada Supreme Court. He has had a remarkable career beginning in his childhood where he sold newspapers, was the local soda jerk, the valedictorian of his high school class, went to the University of Nevada at Reno, and was the only student with membership in both the University Singers and the college wrestling team. He joined the Army after college and served tours of duty in France, Germany and Austria and was honorably discharged as a major at the age of 23. He then went to Harvard Law School. I think that may have compromised his Western values a bit. But from there he went on to have over a half century of public service.

He served two terms as Nevada's then lone representative in Congress. He was elected to the Nevada State Senate, following his service in Congress, and served 14 years there. And in 1984 he was elected to the Nevada Supreme Court and will have served 18 years until his retirement at the end of the year.