

Public Law 104–317  
104th Congress

An Act

To make improvements in the operation and administration of the Federal courts,  
and for other purposes.

Oct. 19, 1996  
[S. 1887]

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

Federal Courts  
Improvement Act  
of 1996.

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

28 USC 1 note.

(a) **SHORT TITLE.**—This Act may be cited as the “Federal Courts Improvement Act of 1996”.

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

Sec. 1. Short title; table of contents.

**TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS**

Sec. 101. New authority for probation and pretrial services officers.

**TITLE II—JUDICIAL PROCESS IMPROVEMENTS**

Sec. 201. Duties of magistrate judge on emergency assignment.

Sec. 202. Consent to trial in certain criminal actions.

Sec. 203. Registration of judgments for enforcement in other districts.

Sec. 204. Vacancy in clerk position; absence of clerk.

Sec. 205. Diversity jurisdiction.

Sec. 206. Removal of cases against the United States and Federal officers or agencies.

Sec. 207. Appeal route in civil cases decided by magistrate judges with consent.

Sec. 208. Reports by judicial councils relating to misconduct and disability orders.

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

Sec. 301. Senior judge certification.

Sec. 302. Refund of contribution for deceased deferred annuitant under the Judicial Survivors' Annuities System.

Sec. 303. Bankruptcy judges reappointment procedure.

Sec. 304. Technical correction related to commencement date of temporary judgeships.

Sec. 305. Full-time status of court reporters.

Sec. 306. Court interpreters.

Sec. 307. Technical amendment related to commencement date of temporary bankruptcy judgeships.

Sec. 308. Contribution rate for senior judges under the judicial survivors' annuities system.

Sec. 309. Prohibition against awards of costs, including attorney's fees, and injunctive relief against a judicial officer.

**TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION**

Sec. 401. Increase in civil action filing fee.

Sec. 402. Interpreter performance examination fees.

Sec. 403. Judicial panel on multidistrict litigation.

Sec. 404. Disposition of fees.

**TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS**

Sec. 501. Qualification of Chief Judge of Court of International Trade.

## TITLE VI—MISCELLANEOUS

- Sec. 601. Participation in judicial governance activities by district, senior, and magistrate judges.
- Sec. 602. The Director and Deputy Director of the administrative office as officers of the United States.
- Sec. 603. Removal of action from State court.
- Sec. 604. Federal judicial center employee retirement provisions.
- Sec. 605. Abolition of the special court, Regional Rail Reorganization Act of 1973.
- Sec. 606. Place of holding court in the District Court of Utah.
- Sec. 607. Exception of residency requirement for district judges appointed to the Southern District and Eastern District of New York.
- Sec. 608. Extension of civil justice expense and delay reduction reports on demonstration and pilot programs.
- Sec. 609. Place of holding court in the Southern District of New York.
- Sec. 610. Venue for territorial courts.

## TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

### SEC. 101. NEW AUTHORITY FOR PROBATION AND PRETRIAL SERVICES OFFICERS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended—

- (1) by striking out “and” at the end of paragraph (8)(B);
- (2) by redesignating paragraph (9) as paragraph (10); and
- (3) by inserting after paragraph (8) the following new paragraph:

“(9) if approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe; and”.

(b) PRETRIAL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended—

- (1) by redesignating paragraph (13) as paragraph (14); and
- (2) by inserting after paragraph (12) the following new paragraph:

“(13) If approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe.”.

## TITLE II—JUDICIAL PROCESS IMPROVEMENTS

### SEC. 201. DUTIES OF MAGISTRATE JUDGE ON EMERGENCY ASSIGNMENT.

The first sentence of section 636(f) of title 28, United States Code, is amended by striking out “(a) or (b)” and inserting in lieu thereof “(a), (b), or (c)”.

### SEC. 202. CONSENT TO TRIAL IN CERTAIN CRIMINAL ACTIONS.

(a) AMENDMENTS TO TITLE 18.—(1) Section 3401(b) of title 18, United States Code, is amended—

- (A) in the first sentence by inserting “, other than a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction,” after “misdemeanor”;

(B) in the second sentence by inserting “judge” after “magistrate” each place it appears;

(C) by striking out the third sentence and inserting in lieu thereof the following: “The magistrate judge may not proceed to try the case unless the defendant, after such explanation, expressly consents to be tried before the magistrate judge and expressly and specifically waives trial, judgment, and sentencing by a district judge. Any such consent and waiver shall be made in writing or orally on the record.”; and

(D) by striking out “judge of the district court” each place it appears and inserting in lieu thereof “district judge”.

(2) Section 3401(g) of title 18, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: “The magistrate judge may, in a petty offense case involving a juvenile, that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction, exercise all powers granted to the district court under chapter 403 of this title. The magistrate judge may, in any other class B or C misdemeanor case involving a juvenile in which consent to trial before a magistrate judge has been filed under subsection (b), exercise all powers granted to the district court under chapter 403 of this title.”.

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended—

(1) by striking out “, and” at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(2) by striking out paragraph (4) and inserting the following:

“(4) the power to enter a sentence for a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction; and

“(5) the power to enter a sentence for a class A misdemeanor, or a class B or C misdemeanor not covered by paragraph (4), in a case in which the parties have consented.”.

#### SEC. 203. REGISTRATION OF JUDGMENTS FOR ENFORCEMENT IN OTHER DISTRICTS.

(a) IN GENERAL.—Section 1963 of title 28, United States Code, is amended—

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

##### **“§ 1963. Registration of judgments for enforcement in other districts”;**

(2) in the first sentence—

(A) by striking out “district court” and inserting in lieu thereof “court of appeals, district court, bankruptcy court,”; and

(B) by striking out “such judgment” and inserting in lieu thereof “the judgment”; and

(3) by adding at the end thereof the following new undesignated paragraph:

“The procedure prescribed under this section is in addition to other procedures provided by law for the enforcement of judgments.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 125 of title 28, United States Code, relating to section 1963 is amended to read as follows:

“1963. Registration of judgments for enforcement in other districts.”.

**SEC. 204. VACANCY IN CLERK POSITION; ABSENCE OF CLERK.**

(a) **IN GENERAL.**—Section 954 of title 28, United States Code, is amended to read as follows:

**“§ 954. Vacancy in clerk position; absence of clerk**

“When the office of clerk is vacant, the deputy clerks shall perform the duties of the clerk in the name of the last person who held that office. When the clerk is incapacitated, absent, or otherwise unavailable to perform official duties, the deputy clerks shall perform the duties of the clerk in the name of the clerk. The court may designate a deputy clerk to act temporarily as clerk of the court in his or her own name.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 57 of title 28, United States Code, relating to section 954 is amended to read as follows:

“954. Vacancy in clerk position; absence of clerk.”.

**SEC. 205. DIVERSITY JURISDICTION.**

(a) **IN GENERAL.**—Section 1332 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out “\$50,000” and inserting in lieu thereof “\$75,000”; and

(2) in subsection (b) by striking out “\$50,000” and inserting in lieu thereof “\$75,000”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect 90 days after the date of enactment of this Act.

**SEC. 206. REMOVAL OF CASES AGAINST THE UNITED STATES AND FEDERAL OFFICERS OR AGENCIES.**

(a) **IN GENERAL.**—Section 1442 of title 28, United States Code, is amended—

(1) in the section heading by inserting “**or agencies**” after “**officers**”; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1) by striking out “persons”; and

(B) in paragraph (1) by striking out “Any officer of the United States or any agency thereof, or person acting under him, for any act under color of such office” and inserting in lieu thereof “The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, sued in an official or individual capacity for any act under color of such office”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 89 of title 28, United States Code, is amended by amending the item relating to section 1442 to read as follows:

“1442. Federal officers and agencies sued or prosecuted.”.

**SEC. 207. APPEAL ROUTE IN CIVIL CASES DECIDED BY MAGISTRATE JUDGES WITH CONSENT.**

Section 636 of title 28, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (3) by striking out “In this circumstance, the” and inserting in lieu thereof “The”;

(B) by striking out paragraphs (4) and (5); and

(C) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5); and

(2) in subsection (d) by striking out “, and for the taking and hearing of appeals to the district courts,”.

**SEC. 208. REPORTS BY JUDICIAL COUNCILS RELATING TO MISCONDUCT AND DISABILITY ORDERS.**

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

“(g) No later than January 31 of each year, each judicial council shall submit a report to the Administrative Office of the United States Courts on the number and nature of orders entered under this section during the preceding calendar year that relate to judicial misconduct or disability.”.

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

**SEC. 301. SENIOR JUDGE CERTIFICATION.**

(a) **RETROACTIVE CREDIT FOR RESUMPTION OF SIGNIFICANT WORKLOAD.**—Section 371(f)(3) of title 28, United States Code, is amended by striking out “is thereafter ineligible to receive such a certification.” and inserting in lieu thereof “may thereafter receive a certification for that year by satisfying the requirements of subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection in a subsequent year and attributing a sufficient part of the work performed in such subsequent year to the earlier year so that the work so attributed, when added to the work performed during such earlier year, satisfies the requirements for certification for that year. However, a justice or judge may not receive credit for the same work for purposes of certification for more than 1 year.”.

(b) **AGGREGATION OF CERTAIN WORK FOR PARTIAL YEARS.**—Section 371(f)(1) of title 28, United States Code, is amended by adding at the end of subparagraph (D) the following: “In any year in which a justice or judge performs work described under this subparagraph for less than the full year, one-half of such work may be aggregated with work described under subparagraph (A), (B), or (C) of this paragraph for the purpose of the justice or judge satisfying the requirements of such subparagraph.”.

**SEC. 302. REFUND OF CONTRIBUTION FOR DECEASED DEFERRED ANNUITANT UNDER THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.**

Section 376(o)(1) of title 28, United States Code, is amended by striking out “or while receiving ‘retirement salary’,” and inserting in lieu thereof “while receiving retirement salary, or after filing an election and otherwise complying with the conditions under subsection (b)(2) of this section,”.

**SEC. 303. BANKRUPTCY JUDGES REAPPOINTMENT PROCEDURE.**

28 USC 152 note. Section 120 of the Bankruptcy Amendments and Federal Judgeship Act of 1984 (Public Law 98-353; 98 Stat. 344), is amended—

(1) in subsection (a) by adding at the end thereof the following new paragraph:

“(3) When filling vacancies, the court of appeals may consider reappointing incumbent bankruptcy judges under procedures prescribed by regulations issued by the Judicial Conference of the United States.”; and

(2) in subsection (b) by adding at the end thereof the following: “All incumbent nominees seeking reappointment thereafter may be considered for such a reappointment, pursuant to a majority vote of the judges of the appointing court of appeals, under procedures authorized under subsection (a)(3).”.

**SEC. 304. TECHNICAL CORRECTION RELATED TO COMMENCEMENT DATE OF TEMPORARY JUDGESHIPS.**

Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 104 Stat. 5101; 28 U.S.C. 133 note) is amended by adding at the end thereof the following: “For districts named in this subsection for which multiple judgeships are created by this Act, the last of those judgeships filled shall be the judgeship created under this subsection.”.

**SEC. 305. FULL-TIME STATUS OF COURT REPORTERS.**

Section 753(e) of title 28, United States Code, is amended by inserting after the first sentence the following: “For the purposes of subchapter III of chapter 83 of title 5 and chapter 84 of such title, a reporter shall be considered a full-time employee during any pay period for which a reporter receives a salary at the annual salary rate fixed for a full-time reporter under the preceding sentence.”.

**SEC. 306. COURT INTERPRETERS.**

Section 1827 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

“(1) Notwithstanding any other provision of this section or section 1828, the presiding judicial officer may appoint a certified or otherwise qualified sign language interpreter to provide services to a party, witness, or other participant in a judicial proceeding, whether or not the proceeding is instituted by the United States, if the presiding judicial officer determines, on such officer’s own motion or on the motion of a party or other participant in the proceeding, that such individual suffers from a hearing impairment. The presiding judicial officer shall, subject to the availability of appropriated funds, approve the compensation and expenses payable to sign language interpreters appointed under this section in accordance with the schedule of fees prescribed by the Director under subsection (b)(3) of this section.”.

**SEC. 307. TECHNICAL AMENDMENT RELATED TO COMMENCEMENT DATE OF TEMPORARY BANKRUPTCY JUDGESHIPS.**

Section 3(b) of the Bankruptcy Judgeship Act of 1992 (Public Law 102-361; 106 Stat. 965; 28 U.S.C. 152 note) is amended in the first sentence by striking out “date of the enactment of this Act” and inserting in lieu thereof “appointment date of the judge named to fill the temporary judgeship position”.

**SEC. 308. CONTRIBUTION RATE FOR SENIOR JUDGES UNDER THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.**

Section 376(b)(1) of title 28, United States Code, is amended to read as follows:

“(b)(1) Every judicial official who files a written notification of his or her intention to come within the purview of this section, in accordance with paragraph (1) of subsection (a) of this section, shall be deemed thereby to consent and agree to having deducted and withheld from his or her salary a sum equal to 2.2 percent of that salary, and a sum equal to 3.5 percent of his or her retirement salary. The deduction from any retirement salary—

“(A) of a justice or judge of the United States retired from regular active service under section 371(b) or section 372(a) of this title,

“(B) of a judge of the United States Court of Federal Claims retired under section 178 of this title, or

“(C) of a judicial official on recall under section 155(b), 373(c)(4), 375, or 636(h) of this title,

shall be an amount equal to 2.2 percent of retirement salary.”.

**SEC. 309. PROHIBITION AGAINST AWARDS OF COSTS, INCLUDING ATTORNEY'S FEES, AND INJUNCTIVE RELIEF AGAINST A JUDICIAL OFFICER.**

(a) **NONLIABILITY FOR COSTS.**—Notwithstanding any other provision of law, no judicial officer shall be held liable for any costs, including attorney's fees, in any action brought against such officer for an act or omission taken in such officer's judicial capacity, unless such action was clearly in excess of such officer's jurisdiction.

28 USC 2412  
note.

(b) **PROCEEDINGS IN VINDICATION OF CIVIL RIGHTS.**—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by inserting before the period at the end thereof “, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity such officer shall not be held liable for any costs, including attorney's fees, unless such action was clearly in excess of such officer's jurisdiction”.

(c) **CIVIL ACTION FOR DEPRIVATION OF RIGHTS.**—Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by inserting before the period at the end of the first sentence: “, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable”.

## **TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION**

**SEC. 401. INCREASE IN CIVIL ACTION FILING FEE.**

(a) **FILING FEE INCREASE.**—Section 1914(a) of title 28, United States Code, is amended by striking out “\$120” and inserting in lieu thereof “\$150”.

(b) **DISPOSITION OF INCREASE.**—Section 1931 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out “\$60” and inserting in lieu thereof “\$90”; and

(2) in subsection (b)—

(A) by striking out “\$120” and inserting in lieu thereof “\$150”; and

(B) by striking out “\$60” and inserting in lieu thereof “\$90”.

28 USC 1914  
note.

(c) **EFFECTIVE DATE.**—This section shall take effect 60 days after the date of the enactment of this Act.

**SEC. 402. INTERPRETER PERFORMANCE EXAMINATION FEES.**

(a) **IN GENERAL.**—Section 1827(g) of title 28, United States Code, is amended by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following new paragraph:

“(5) If the Director of the Administrative Office of the United States Courts finds it necessary to develop and administer criterion-referenced performance examinations for purposes of certification, or other examinations for the selection of otherwise qualified interpreters, the Director may prescribe for each examination a uniform fee for applicants to take such examination. In determining the rate of the fee for each examination, the Director shall consider the fees charged by other organizations for examinations that are similar in scope or nature. Notwithstanding section 3302(b) of title 31, the Director is authorized to provide in any contract or agreement for the development or administration of examinations and the collection of fees that the contractor may retain all or a portion of the fees in payment for the services. Notwithstanding paragraph (6) of this subsection, all fees collected after the effective date of this paragraph and not retained by a contractor shall be deposited in the fund established under section 1931 of this title and shall remain available until expended.”.

28 USC 1827  
note.

(b) **PAYMENT FOR CONTRACTUAL SERVICES.**—Notwithstanding sections 3302(b), 1341, and 1517 of title 31, United States Code, the Director of the Administrative Office of the United States Courts may include in any contract for the development or administration of examinations for interpreters (including such a contract entered into before the date of the enactment of this Act) a provision which permits the contractor to collect and retain fees in payment for contractual services in accordance with section 1827(g)(5) of title 28, United States Code.

**SEC. 403. JUDICIAL PANEL ON MULTIDISTRICT LITIGATION.**

(a) **IN GENERAL.**—(1) Chapter 123 of title 28, United States Code, is amended by adding after section 1931 the following new section:

**“§ 1932. Judicial Panel on Multidistrict Litigation**

“The Judicial Conference of the United States shall prescribe from time to time the fees and costs to be charged and collected by the Judicial Panel on Multidistrict Litigation.”.

(2) The table of sections for chapter 123 of title 28, United States Code, is amended by adding after the item relating to section 1931 the following:

“1932. Judicial Panel on Multidistrict Litigation.”.

(b) **RELATED FEES FOR ACCESS TO INFORMATION.**—Section 303(a) of the Judiciary Appropriations Act, 1992 (Public Law 102-140; 105 Stat. 810; 28 U.S.C. 1913 note) is amended in the first sentence by striking out “1926, and 1930” and inserting in lieu thereof “1926, 1930, and 1932”.



**SEC. 404. DISPOSITION OF FEES.**28 USC 1931  
note.

(a) **DISPOSITION OF ATTORNEY ADMISSION FEES.**—For each fee collected for admission of an attorney to practice, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, \$30 of that portion of the fee exceeding \$20 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code. Any portion exceeding \$5 of the fee for a duplicate certificate of admission or certificate of good standing, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

(b) **DISPOSITION OF BANKRUPTCY COMPLAINT FILING FEES.**—For each fee collected for filing an adversary complaint in a bankruptcy proceeding, as established in Item 6 of the Bankruptcy Court Miscellaneous Fee Schedule prescribed by the Judicial Conference of the United States pursuant to section 1930(b) of title 28, United States Code, the portion of the fee exceeding \$120 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

(c) **EFFECTIVE DATE.**—This section shall take effect 60 days after the date of the enactment of this Act.

## **TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS**

**SEC. 501. QUALIFICATION OF CHIEF JUDGE OF COURT OF INTERNATIONAL TRADE.**

(a) **IN GENERAL.**—Chapter 11 of title 28, United States Code, is amended by adding at the end thereof the following new section:

**“§ 258. Chief judges; precedence of judges**

“(a)(1) The chief judge of the Court of International Trade shall be the judge of the court in regular active service who is senior in commission of those judges who—

“(A) are 64 years of age or under;

“(B) have served for 1 year or more as a judge of the court; and

“(C) have not served previously as chief judge.

“(2)(A) In any case in which no judge of the court meets the qualifications under paragraph (1), the youngest judge in regular active service who is 65 years of age or over and who has served as a judge of the court for 1 year or more shall act as the chief judge.

“(B) In any case under subparagraph (A) in which there is no judge of the court in regular active service who has served as a judge of the court for 1 year or more, the judge of the court in regular active service who is senior in commission and who has not served previously as chief judge shall act as the chief judge.

“(3)(A) Except as provided under subparagraph (C), the chief judge serving under paragraph (1) shall serve for a term of 7 years and shall serve after expiration of such term until another judge is eligible under paragraph (1) to serve as chief judge.

“(B) Except as provided under subparagraph (C), a judge of the court acting as chief judge under subparagraph (A) or (B) of paragraph (2) shall serve until a judge meets the qualifications under paragraph (1).

“(C) No judge of the court may serve or act as chief judge of the court after attaining the age of 70 years unless no other judge is qualified to serve as chief judge under paragraph (1) or is qualified to act as chief judge under paragraph (2).

“(b) The chief judge shall have precedence and preside at any session of the court which such judge attends. Other judges of the court shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

“(c) If the chief judge desires to be relieved of the duties as chief judge while retaining active status as a judge of the court, the chief judge may so certify to the Chief Justice of the United States, and thereafter the chief judge of the court shall be such other judge of the court who is qualified to serve or act as chief judge under subsection (a).

“(d) If a chief judge is temporarily unable to perform the duties as such, such duties shall be performed by the judge of the court in active service, able and qualified to act, who is next in precedence.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 11 of title 28, United States Code, is amended—

(1) in section 251 by striking out subsection (b) and redesignating subsection (c) as subsection (b);

(2) in section 253—

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

**“§ 253. Duties of chief judge”;**

and

(B) by striking out subsections (d) and (e); and

(3) in the table of sections for chapter 11 of title 28, United States Code—

(A) by amending the item relating to section 253 to read as follows:

“253. Duties of chief judge.”;

and

(B) by adding at the end thereof the following:

“258. Chief judges; precedence of judges.”.

28 USC 258 note.

(c) APPLICATION.—(1) Notwithstanding the provisions of section 258(a) of title 28, United States Code (as added by subsection (a) of this section), the chief judge of the United States Court of International Trade who is in office on the day before the date of enactment of this Act shall continue to be such chief judge on or after such date until any one of the following events occurs:

(A) The chief judge is relieved of his duties under section 258(c) of title 28, United States Code.

(B) The regular active status of the chief judge is terminated.

(C) The chief judge attains the age of 70 years.

(D) The chief judge has served for a term of 7 years as chief judge.

(2) When the chief judge vacates the position of chief judge under paragraph (1), the position of chief judge of the Court of

International Trade shall be filled in accordance with section 258(a) of title 28, United States Code.

## **TITLE VI—MISCELLANEOUS**

### **SEC. 601. PARTICIPATION IN JUDICIAL GOVERNANCE ACTIVITIES BY DISTRICT, SENIOR, AND MAGISTRATE JUDGES.**

(a) JUDICIAL CONFERENCE OF THE UNITED STATES.—Section 331 of title 28, United States Code, is amended by striking out the second undesignated paragraph and inserting in lieu thereof the following:

“The district judge to be summoned from each judicial circuit shall be chosen by the circuit and district judges of the circuit and shall serve as a member of the Judicial Conference of the United States for a term of not less than 3 successive years nor more than 5 successive years, as established by majority vote of all circuit and district judges of the circuit. A district judge serving as a member of the Judicial Conference may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title.”

(b) BOARD OF THE FEDERAL JUDICIAL CENTER.—Section 621 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out paragraph (2) and inserting in lieu thereof the following:

“(2) two circuit judges, three district judges, one bankruptcy judge, and one magistrate judge, elected by vote of the members of the Judicial Conference of the United States, except that any circuit or district judge so elected may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title but shall not be a member of the Judicial Conference of the United States; and”; and

(2) in subsection (b) by striking out “retirement,” and inserting in lieu thereof “retirement pursuant to section 371(a) or section 372(a) of this title.”

### **SEC. 602. THE DIRECTOR AND DEPUTY DIRECTOR OF THE ADMINISTRATIVE OFFICE AS OFFICERS OF THE UNITED STATES.**

Section 601 of title 28, United States Code, is amended by adding at the end thereof the following: “The Director and Deputy Director shall be deemed to be officers for purposes of title 5, United States Code.”

### **SEC. 603. REMOVAL OF ACTION FROM STATE COURT.**

Section 1446(c)(1) of title 28, United States Code, is amended by striking out “petitioner” and inserting in lieu thereof “defendant or defendants”.

### **SEC. 604. FEDERAL JUDICIAL CENTER EMPLOYEE RETIREMENT PROVISIONS.**

Section 627(b) of title 28, United States Code, is amended—

(1) in the first sentence by inserting “Deputy Director,” before “the professional staff”; and

(2) in the first sentence by inserting “chapter 84 (relating to the Federal Employees’ Retirement System),” after “(relating to civil service retirement).”

**SEC. 605. ABOLITION OF THE SPECIAL COURT, REGIONAL RAIL REORGANIZATION ACT OF 1973.**

(a) **ABOLITION OF THE SPECIAL COURT.**—Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended in subsection (b)—

(1) by inserting “(1)” before “Within 30 days after”; and

(2) by adding at the end thereof the following new paragraph:

Effective date.

“(2) The special court referred to in paragraph (1) of this subsection is abolished effective 90 days after the date of enactment of the Federal Courts Improvement Act of 1996. On such effective date, all jurisdiction and other functions of the special court shall be assumed by the United States District Court for the District of Columbia. With respect to any proceedings that arise or continue after the date on which the special court is abolished, the references in the following provisions to the special court established under this subsection shall be deemed to refer to the United States District Court for the District of Columbia:

“(A) Subsections (c), (e)(1), (e)(2), (f) and (g) of this section.

“(B) Sections 202 (d)(3), (g), 207 (a)(1), (b)(1), (b)(2), 208(d)(2), 301 (e)(2), (g), (k)(3), (k)(15), 303 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), 304 (a)(1)(B), (i)(3), 305 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 306 (a), (b), (c)(4), and 601 (b)(3), (c) of this Act (45 U.S.C. 712 (d)(3), (g), 717 (a)(1), (b)(1), (b)(2), 718(d)(2), 741 (e)(2), (g), (k)(3), (k)(15), 743 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), 744 (a)(1)(B), (i)(3), 745 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 746 (a), (b), (c)(4), 791 (b)(3), (c)).

“(C) Sections 1152(a) and 1167(b) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105(a), 1115(a)).

“(D) Sections 4023 (2)(A)(iii), (2)(B), (2)(C), (3)(C), (3)(E), (4)(A) and 4025(b) of the Conrail Privatization Act (45 U.S.C. 1323 (2)(A)(iii), (2)(B), (2)(C), (3)(C), (3)(E), (4)(A), 1324(b)).

“(E) Section 24907(b) of title 49, United States Code.

“(F) Any other Federal law (other than this subsection and section 605 of the Federal Courts Improvement Act of 1996), Executive order, rule, regulation, delegation of authority, or document of or relating to the special court as previously established under paragraph (1) of this subsection.”.

(b) **APPELLATE REVIEW.**—(1) Section 209(e) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended by striking out the paragraph following paragraph (2) and inserting in lieu thereof the following:

“(3) An order or judgment of the United States District Court for the District of Columbia in any action referred to in this section shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.”.

(2) Section 303 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743) is amended by striking out subsection (d) and inserting in lieu thereof the following:

“(d) **APPEAL.**—An order or judgment entered by the United States District Court for the District of Columbia pursuant to subsection (c) of this section or section 306 shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.”.

(3) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is amended by striking out subsection (b) and inserting in lieu thereof the following:

“(b) APPEAL.—An order or judgment of the United States District Court for the District of Columbia in any action referred to in this section shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is further amended—

(A) in subsection (g) by inserting “or Court of Appeals for the District of Columbia Circuit” after “Supreme Court”; and

(B) by striking out subsection (h).

(2) Section 305(d)(4) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 745(d)) is amended by striking out “a judge of the United States district court with respect to such proceedings and such powers shall include those of”.

(3) Section 1135(a)(8) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1104(8)) is amended to read as follows:

“(8) ‘Special court’ means the judicial panel established under section 209(b)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)(1)) or, with respect to any proceedings that arise or continue after the panel is abolished pursuant to section 209(b)(2) of such Act, the United States District Court for the District of Columbia.”.

(4) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is further amended by striking out subsection (d).

(d) PENDING CASES.—Effective 90 days after the date of enactment of this Act, any case pending in the special court established under section 209(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)) shall be assigned to the United States District Court for the District of Columbia as though the case had originally been filed in that court. The amendments made by subsection (b) of this section shall not apply to any final order or judgment entered by the special court for which—

(1) a petition for writ of certiorari has been filed before the date on which the special court is abolished; or

(2) the time for filing a petition for writ of certiorari has not expired before that date.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) of this section shall take effect 90 days after the date of enactment of this Act and, except as provided in subsection (d), shall apply with respect to proceedings that arise or continue after such effective date.

Effective date.  
45 USC 719 note.

45 USC 719 note.

#### SEC. 606. PLACE OF HOLDING COURT IN THE DISTRICT COURT OF UTAH.

(a) NORTHERN DIVISION.—Section 125(1) of title 28, United States Code, is amended by inserting “Salt Lake City and” before “Ogden”.

(b) CENTRAL DIVISION.—Section 125(2) of title 28, United States Code, is amended by inserting “, Provo, and St. George” after “Salt Lake City”.

**SEC. 607. EXCEPTION OF RESIDENCY REQUIREMENT FOR DISTRICT JUDGES APPOINTED TO THE SOUTHERN DISTRICT AND EASTERN DISTRICT OF NEW YORK.**

Section 134(b) of title 28, United States Code, is amended—

(1) by inserting “the Southern District of New York, and the Eastern District of New York,” after “the District of Columbia,”; and

(2) by inserting at the end the following: “Each district judge of the Southern District of New York and the Eastern District of New York may reside within 20 miles of the district to which he or she is appointed.”.

**SEC. 608. EXTENSION OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION REPORTS ON DEMONSTRATION AND PILOT PROGRAMS.**

(a) **DEMONSTRATION PROGRAM.**—Section 104(d) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out “December 31, 1996,” and inserting in lieu thereof “June 30, 1997,”.

(b) **PILOT PROGRAM.**—Section 105(c)(1) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out “December 31, 1996,” and inserting in lieu thereof “June 30, 1997,”.

**SEC. 609. PLACE OF HOLDING COURT IN THE SOUTHERN DISTRICT OF NEW YORK.**

The last sentence of section 112(b) of title 28, United States Code, is amended to read as follows:

“Court for the Southern District shall be held at New York, White Plains, and in the Middletown-Wallkill area of Orange County or such nearby location as may be deemed appropriate.”.

**SEC. 610. VENUE FOR TERRITORIAL COURTS.**

(a) **CHANGE OF VENUE.**—Section 1404(d) of title 28, United States Code, is amended to read as follows:

“(d) As used in this section, the term ‘district court’ includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term ‘district’ includes the territorial jurisdiction of each such court.”.

(b) **CURE OR WAIVER OF DEFECTS.**—Section 1406(c) of title 28, United States Code, is amended to read as follows:

“(c) As used in this section, the term ‘district court’ includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term ‘district’ includes the territorial jurisdiction of each such court.”.

(c) APPLICABILITY.—The amendments made by this section 28 USC 1404  
apply to cases pending on the date of the enactment of this Act note.  
and to cases commenced on or after such date.

Approved October 19, 1996.

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LEGISLATIVE HISTORY—S. 1887:

SENATE REPORTS: No. 104–366 (Comm. on the Judiciary).

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