

Union Calendar No. 187

106TH CONGRESS
1ST Session

H. R. 1752

[Report No. 106-312]

A BILL

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

SEPTEMBER 9, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MAY 11, 1999

Mr. COBLE (for himself and Mr. BERMAN) (both by request) introduced the following bill; which was referred to the Committee on the Judiciary

SEPTEMBER 9, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on May 11, 1999]

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
5 *“Federal Courts Improvement Act of 1999”.*

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

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

- Sec. 101. Reimbursement of judiciary for civil and criminal forfeiture expenses.*
Sec. 102. Transfer of retirement funds.
Sec. 103. Judiciary Information Technology Fund.
Sec. 104. Bankruptcy fees.
Sec. 105. Disposition of miscellaneous fees.
Sec. 106. Repeal of statute setting Court of Federal Claims filing fee.
Sec. 107. Technical amendment relating to the treatment of certain bankruptcy fees collected.
Sec. 108. Increase in fee for converting a chapter 7 or chapter 13 bankruptcy case to a chapter 11 bankruptcy case.
Sec. 109. Increase in chapter 9 bankruptcy filing fee.
Sec. 110. Creation of certifying officers in the judicial branch.
Sec. 111. Fee authority for technology resources in the courts.

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. Place of holding court in the Eastern District of Texas.
Sec. 206. Federal substance abuse treatment program reauthorization.
Sec. 207. Membership in circuit judicial councils.
Sec. 208. Sunset of Civil Justice Expense and Delay Reduction Plans.
Sec. 209. Technical bankruptcy correction.
Sec. 210. Authority of presiding judge to allow media coverage of court proceedings.

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

- Sec. 301. Disability retirement and cost-of-living adjustments of annuities for territorial judges.*
Sec. 302. Federal Judicial Center personnel matters.
Sec. 303. Judicial administrative officials retirement matters.
Sec. 304. Judges' firearms training.
Sec. 305. Removal of automatic excuse from jury service for members of the Armed Services, members of fire and police departments, and public officers.
Sec. 306. Expanded workers' compensation coverage for jurors.
Sec. 307. Property damage, theft, and loss claims of jurors.
Sec. 308. Elimination of the public drawing requirements for selection of juror wheels.
Sec. 309. Annual leave limit for court unit executives.
Sec. 310. Payments to Military Survivor Benefit Plan.
Sec. 311. Authorization of a circuit executive for the Federal Circuit.

Sec. 312. Amendment to the jury selection process.

Sec. 313. Supplemental attendance fee for petit jurors serving on lengthy trials.

TITLE IV—CRIMINAL JUSTICE ACT AMENDMENTS

Sec. 401. Maximum amounts of compensation for attorneys.

Sec. 402. Maximum amounts of compensation for services other than counsel.

Sec. 403. Tort Claims Act amendments relating to liability of Federal public defenders.

1 **TITLE I—JUDICIAL FINANCIAL**
 2 **ADMINISTRATION**

3 **SEC. 101. REIMBURSEMENT OF JUDICIARY FOR CIVIL AND**
 4 **CRIMINAL FORFEITURE EXPENSES.**

5 (a) *TRANSFER OF FUNDS.*—Section 524(c) of title 28,
 6 *United States Code, is amended—*

7 (1) *by inserting after paragraph (11) the fol-*
 8 *lowing new paragraph:*

9 “(12)(A) *In the fiscal year subsequent to the fis-*
 10 *cal year in which this paragraph is enacted and in*
 11 *each fiscal year thereafter, an amount as specified in*
 12 *subparagraph (B) shall be transferred annually to the*
 13 *judiciary into the fund established under section 1931*
 14 *of this title, for expenses incurred in—*

15 “(i) *adjudication of civil and criminal for-*
 16 *feiture proceedings that result in deposits into*
 17 *the Fund (except the expense of salaries of*
 18 *judges);*

19 “(ii) *representation, pursuant to the provi-*
 20 *sions of section 3006A of title 18 or section*
 21 *408(q) of the Controlled Substances Act (21*

1 *U.S.C. 848(q) of defendants whose assets have*
2 *been seized in such forfeiture proceedings, to the*
3 *extent that such expenses of representation could*
4 *have been recovered through an order for pay-*
5 *ment or for reimbursement of the defender serv-*
6 *ices appropriation pursuant to section 3006A(f)*
7 *of title 18; and*

8 *“(iii) supervision by United States proba-*
9 *tion officers of offenders under home detention or*
10 *other forms of confinement outside of Bureau of*
11 *Prison facilities.*

12 *“(B) The amount to be transferred under sub-*
13 *paragraph (A)—*

14 *“(i) shall be an amount from the combined*
15 *fiscal year deposits into both the Fund and the*
16 *Department of Treasury Asset Forfeiture Fund*
17 *established by section 9703 of title 31 (hereafter*
18 *referred to as ‘both Funds’), which amount shall*
19 *not exceed the statement of costs incurred by the*
20 *judiciary in providing the services identified in*
21 *subparagraph (A), as set forth by the Director of*
22 *the Administrative Office of the United States*
23 *Courts in a report to the Attorney General and*
24 *the Secretary of the Treasury no later than 90*

1 days after the end of the fiscal year in which
2 the expenses were incurred; except that—

3 “(I) the total amount to be transferred
4 from both Funds shall not exceed
5 \$50,000,000, or 10 percent of the total com-
6 bined deposits into both Funds, whichever is
7 less;

8 “(II) the proportion of the amount
9 transferred from the Fund to the total
10 amount to be transferred shall be equal to
11 the proportion of the fiscal year deposits
12 into the Fund to the combined fiscal year
13 deposits in both Funds; and

14 “(III) the total amount to be trans-
15 ferred from both Funds may exceed the lim-
16 its set out in this subparagraph subject to
17 the discretion of the Attorney General and
18 the Secretary of the Treasury; and

19 “(ii) shall be paid from revenues deposited
20 into the Fund during the fiscal year in which
21 the expenses were incurred and are not required
22 to be specified in appropriations Acts.”.

23 (b) *TREASURY FORFEITURE FUND*.—Section 9703 of
24 *title 31, United States Code, is amended—*

1 (1) by redesignating subsection (p) as subsection
2 (q); and

3 (2) by inserting after subsection (o) the following
4 new subsection:

5 “(p) *TRANSFER TO THE FEDERAL JUDICIARY.*—In the
6 fiscal year subsequent to the fiscal year in which this sub-
7 section is enacted and in each fiscal year thereafter, an
8 amount necessary to meet the transfer requirements of sec-
9 tion 524(c)(12) of title 28 shall be transferred to the judi-
10 ciary, and shall be subject to the same limitations, terms, and
11 conditions specified in that section for transfers to the judi-
12 ciary from the Department of Justice Asset Forfeiture
13 Fund.”.

14 (c) *CONFORMING AMENDMENT.*—Section 1931(a) of
15 title 28, United States Code, is amended by inserting “or
16 other judicial services, including services provided pursuant
17 to section 3006A of title 18 or section 408(q) of the Con-
18 trolled Substances Act (21 U.S.C. 848(q))” after “courts of
19 the United States.”.

20 **SEC. 102. TRANSFER OF RETIREMENT FUNDS.**

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

23 “(p) *TRANSFER OF RETIREMENT FUNDS.*—Upon elec-
24 tion by a bankruptcy judge or a magistrate judge under
25 subsection (f) of this section, all of the accrued employer

1 *contributions and accrued interest on those contributions*
2 *made on behalf of the bankruptcy judge or magistrate judge*
3 *to the Civil Service Retirement and Disability Fund under*
4 *section 8348 of title 5 shall be transferred to the fund estab-*
5 *lished under section 1931 of this title, except that if the*
6 *bankruptcy judge or magistrate judge elects under section*
7 *2(c) of the Retirement and Survivor’s Annuities for Bank-*
8 *ruptcy Judges and Magistrates Act of 1988 (Public Law*
9 *100–659), to receive a retirement annuity under both this*
10 *section and title 5, only the accrued employer contributions*
11 *and accrued interest on such contributions made on behalf*
12 *of the bankruptcy judge or magistrate judge for service cred-*
13 *ited under this section may be transferred.”.*

14 **SEC. 103. JUDICIARY INFORMATION TECHNOLOGY FUND.**

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

17 *(1) by striking “equipment” each place it ap-*
18 *pears and inserting “resources”;*

19 *(2) by striking subsection (f) and redesignating*
20 *subsequent subsections accordingly;*

21 *(3) in subsection (g), as so redesignated, by strik-*
22 *ing paragraph (3); and*

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

24 *(A) by striking “Judiciary” and inserting*
25 *“judiciary”;*

1 (B) by striking “subparagraph (c)(1)(B)”
2 and inserting “subsection (c)(1)(B)”; and
3 (C) by striking “under (c)(1)(B)” and in-
4 serting “under subsection (c)(1)(B)”.

5 **SEC. 104. BANKRUPTCY FEES.**

6 Subsection (a) of section 1930 of title 28, United States
7 Code, is amended by adding at the end the following new
8 paragraph:

9 “(7) In districts that are not part of a United
10 States trustee region as defined in section 581 of this
11 title, the Judicial Conference of the United States
12 may require the debtor in a case under chapter 11 of
13 title 11 to pay fees equal to those imposed by para-
14 graph (6). Such fees shall be deposited into the fund
15 established under section 1931.”.

16 **SEC. 105. DISPOSITION OF MISCELLANEOUS FEES.**

17 For fiscal year 2000 and thereafter, any portion of
18 miscellaneous fees collected as prescribed by the Judicial
19 Conference of the United States pursuant to sections 1913,
20 1914(b), 1926(a), 1930(b), and 1932 of title 28, United
21 States Code, exceeding the amount of such fees established
22 on the date of the enactment of this Act shall be deposited
23 into the special fund of the Treasury established under sec-
24 tion 1931 of title 28, United States Code.

1 **SEC. 106. REPEAL OF STATUTE SETTING COURT OF FED-**
2 **ERAL CLAIMS FILING FEE.**

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

6 **SEC. 107. TECHNICAL AMENDMENT RELATING TO THE**
7 **TREATMENT OF CERTAIN BANKRUPTCY FEES**
8 **COLLECTED.**

9 *(a) AMENDMENT.—The 1st sentence of section 406(b)*
10 *of the Departments of Commerce, Justice, and State, the*
11 *Judiciary, and Related Agencies Appropriations Act, 1990*
12 *(Public Law 101–162; 103 Stat. 1016) is amended by strik-*
13 *ing “service enumerated after item 18” and inserting “serv-*
14 *ice not of a kind described in any of the items enumerated*
15 *as items 1 through 7 and as items 9 through 18, as in effect*
16 *on November 21, 1989, (and not of a kind described in items*
17 *enumerated as items 8.1, 8.2, and 23, as in effect on Janu-*
18 *ary 1, 1998)”.*

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

22 **SEC. 108. INCREASE IN FEE FOR CONVERTING A CHAPTER**
23 **7 OR CHAPTER 13 BANKRUPTCY CASE TO A**
24 **CHAPTER 11 BANKRUPTCY CASE.**

25 *The flush paragraph at the end of section 1930(a) of*
26 *title 28, United States Code, is amended by striking “\$400”*

1 and inserting “the amount equal to the difference between
 2 the fee specified in paragraph (3) and the fee specified in
 3 paragraph (1)”.

4 **SEC. 109. INCREASE IN CHAPTER 9 BANKRUPTCY FILING**
 5 **FEE.**

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

12 **SEC. 110. CREATION OF CERTIFYING OFFICERS IN THE JU-**
 13 **DICIAL BRANCH.**

14 (a) **APPOINTMENT OF DISBURSING AND CERTIFYING**
 15 **OFFICERS.**—Chapter 41 of title 28, United States Code, is
 16 amended by adding at the end the following new section:
 17 **“§ 613. Disbursing and certifying officers**

18 **“(a) DISBURSING OFFICERS.**—The Director may des-
 19 ignate in writing officers and employees of the judicial
 20 branch of the Government, including the courts as defined
 21 in section 610 other than the Supreme Court, to be dis-
 22 burring officers in such numbers and locations as the Direc-
 23 tor considers necessary. Such dispersing officers shall—

24 **“(1) disburse moneys appropriated to the judi-**
 25 **cial branch and other funds only in strict accordance**

1 *with payment requests certified by the Director or in*
2 *accordance with subsection (b);*

3 “(2) *examine payment requests as necessary to*
4 *ascertain whether they are in proper form, certified,*
5 *and approved; and*

6 “(3) *be held accountable for their actions as pro-*
7 *vided by law, except such a disbursing officer shall*
8 *not be held accountable or responsible for any illegal,*
9 *improper, or incorrect payment resulting from any*
10 *false, inaccurate, or misleading certificate for which*
11 *a certifying officer is responsible under subsection (b).*

12 “(b) *CERTIFYING OFFICERS.—(1) The Director may*
13 *designate in writing officers and employees of the judicial*
14 *branch of the Government, including the courts as defined*
15 *in section 610 other than the Supreme Court, to certify pay-*
16 *ment requests payable from appropriations and funds.*
17 *These certifying officers shall be responsible and accountable*
18 *for—*

19 “(A) *the existence and correctness of the facts re-*
20 *cited in the certificate or other request for payment*
21 *or its supporting papers;*

22 “(B) *the legality of the proposed payment under*
23 *the appropriation or fund involved; and*

24 “(C) *the correctness of the computations of cer-*
25 *tified payment requests.*

1 “(2) *The liability of a certifying officer shall be en-*
2 *forced in the same manner and to the same extent as pro-*
3 *vided by law with respect to the enforcement of the liability*
4 *of disbursing and other accountable officers. A certifying*
5 *officer shall be required to make restitution to the United*
6 *States for the amount of any illegal, improper, or incorrect*
7 *payment resulting from any false, inaccurate, or mis-*
8 *leading certificates made by the certifying officer, as well*
9 *as for any payment prohibited by law or which did not*
10 *represent a legal obligation under the appropriation or*
11 *fund involved.*

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

13 “(1) *has the right to apply for and obtain a deci-*
14 *sion by the Comptroller General on any question of*
15 *law involved in a payment request presented for cer-*
16 *tification; and*

17 “(2) *is entitled to relief from liability arising*
18 *under this section in accordance with title 31.*

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

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

“613. *Disbursing and certifying officers.”.*

1 (c) *DUTIES OF DIRECTOR.*—Paragraph (8) of sub-
2 section (a) of section 604 of title 28, United States Code,
3 is amended to read as follows:

4 “(8) Disburse appropriations and other funds for
5 the maintenance and operation of the courts;”.

6 **SEC. 111. FEE AUTHORITY FOR TECHNOLOGY RESOURCES**
7 **IN THE COURTS.**

8 (a) *IN GENERAL.*—Chapter 41 of title 28, United
9 States Code is amended by adding at the end the following:
10 **“§614. Authority to prescribe fees for technology re-**
11 **sources in the courts**

12 “The Judicial Conference is authorized to prescribe
13 reasonable fees pursuant to sections 1913, 1914, 1926, 1930,
14 and 1932, for use of information technology resources pro-
15 vided by the judiciary to improve the efficiency of and ac-
16 cess to the courts. Fees collected pursuant to this section
17 are to be deposited in the Judiciary Information Tech-
18 nology Fund to be available to the Director without fiscal
19 year limitation for reinvestment in information technology
20 resources which will advance the purposes of this section.”.

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

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

1 **TITLE II—JUDICIAL PROCESS**
2 **IMPROVEMENTS**

3 **SEC. 201. EXTENSION OF STATUTORY AUTHORITY FOR MAG-**
4 **ISTRATE JUDGE POSITIONS TO BE ESTAB-**
5 **LISHED IN THE DISTRICT COURTS OF GUAM**
6 **AND THE NORTHERN MARIANA ISLANDS.**

7 *Section 631 of title 28, United States Code, is*
8 *amended—*

9 (1) *by striking the first two sentences of sub-*
10 *section (a) and inserting the following: “The judges of*
11 *each United States district court and the district*
12 *courts of the Virgin Islands, Guam, and the Northern*
13 *Mariana Islands shall appoint United States mag-*
14 *istrate judges in such numbers and to serve at such*
15 *locations within the judicial districts as the Con-*
16 *ference may determine under this chapter. In the case*
17 *of a magistrate judge appointed by the district court*
18 *of the Virgin Islands, Guam, or the Northern Mar-*
19 *iana Islands, this chapter shall apply as though the*
20 *court appointing such a magistrate judge were a*
21 *United States district court.”; and*

22 (2) *in the first sentence of subsection (b)(1), by*
23 *inserting “the Territory of Guam, the Commonwealth*
24 *of the Northern Mariana Islands,” after “Common-*
25 *wealth of Puerto Rico,”.*

1 **SEC. 202. MAGISTRATE JUDGE CONTEMPT AUTHORITY.**

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

4 *“(e) CONTEMPT AUTHORITY.—*

5 *“(1) CONTEMPT AUTHORITY.—A United States*
6 *magistrate judge serving under this chapter shall have*
7 *within the territorial jurisdiction prescribed by his or*
8 *her appointment the power to exercise contempt au-*
9 *thority as set forth in this subsection.*

10 *“(2) SUMMARY CRIMINAL CONTEMPT AUTHOR-*
11 *ITY.—A magistrate judge shall have the power to*
12 *punish summarily by fine or imprisonment such con-*
13 *tempt of his or her authority constituting misbehavior*
14 *of any person in the magistrate judge’s presence so as*
15 *to obstruct the administration of justice. The order of*
16 *contempt shall be issued pursuant to Federal Rules of*
17 *Criminal Procedure.*

18 *“(3) ADDITIONAL CRIMINAL CONTEMPT AUTHOR-*
19 *ITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In*
20 *any case in which a United States magistrate judge*
21 *presides with the consent of the parties under sub-*
22 *section (c) of this section, and in any misdemeanor*
23 *case proceeding before a magistrate judge under sec-*
24 *tion 3401 of title 18, the magistrate judge shall have*
25 *the power to punish by fine or imprisonment such*
26 *criminal contempt constituting disobedience or resist-*

1 *ance to the magistrate judge’s lawful, writ, process,*
2 *order, rule, decree, or command. Disposition of such*
3 *contempt shall be conducted upon notice and hearing*
4 *pursuant to the Federal Rules of Criminal Procedure.*

5 *“(4) CIVIL CONTEMPT AUTHORITY IN CIVIL CON-*
6 *SENT AND MISDEMEANOR CASES.—In any case in*
7 *which a United States magistrate judge presides with*
8 *the consent of the parties under subsection (c) of this*
9 *section, and in any misdemeanor case proceeding be-*
10 *fore a magistrate judge under section 3401 of title 18,*
11 *the magistrate judge may exercise the civil contempt*
12 *authority of the district court. This paragraph shall*
13 *not be construed to limit the authority of a mag-*
14 *istrate judge to order sanctions pursuant to any other*
15 *statute, the Federal Rules of Civil Procedure, or the*
16 *Federal Rules of Criminal Procedure.*

17 *“(5) CRIMINAL CONTEMPT PENALTIES.—The sen-*
18 *tence imposed by a magistrate judge for any criminal*
19 *contempt set forth in paragraphs (2) and (3) of this*
20 *subsection shall not exceed the penalties for a Class C*
21 *misdemeanor as set forth in sections 3581(b)(8) and*
22 *3571(b)(6) of title 18.*

23 *“(6) CERTIFICATION OF OTHER CONTEMPTS TO*
24 *THE DISTRICT COURT.—Upon the commission of any*
25 *act—*

1 “(A) *in any case in which a United States*
2 *magistrate judge presides with the consent of the*
3 *parties under subsection (c) of this section, or in*
4 *any misdemeanor case proceeding before a mag-*
5 *istrate judge under section 3401 of title 18, that*
6 *may, in the opinion of the magistrate judge, con-*
7 *stitute a serious criminal contempt punishable*
8 *by penalties exceeding those set forth in para-*
9 *graph (5) of this subsection, or*

10 “(B) *in any other case or proceeding under*
11 *subsection (a) or (b) of this section, or any other*
12 *statute, where—*

13 “(i) *the act committed in the mag-*
14 *istrate judge’s presence may, in the opinion*
15 *of the magistrate judge, constitute a serious*
16 *criminal contempt punishable by penalties*
17 *exceeding those set forth in paragraph (5) of*
18 *this subsection,*

19 “(ii) *the act that constitutes a criminal*
20 *contempt occurs outside the presence of the*
21 *magistrate judge, or*

22 “(iii) *the act constitutes a civil con-*
23 *tempt,*

24 *the magistrate judge shall forthwith certify the facts*
25 *of a district judge and may serve or cause to be served*

1 upon any person whose behavior is brought into ques-
 2 tion under this paragraph an order requiring such
 3 person to appear before a district judge upon a day
 4 certain to show cause why he or she should not be ad-
 5 judged in contempt by reason of the facts so certified.
 6 The district judge shall thereupon hear the evidence as
 7 to the act of conduct complained of and, if it is such
 8 as to warrant punishment, punish such person in the
 9 same manner and to the same extent as for a con-
 10 tempt committed before a district judge.

11 “(7) *APPEALS OF MAGISTRATE JUDGE CONTEMPT*
 12 *ORDERS.*—The appeal of an order of contempt issued
 13 pursuant to this section shall be made to the court of
 14 appeals in cases proceeding under subsection (c) of
 15 this section. The appeal of any other order to con-
 16 tempt issued pursuant to this section shall be made
 17 to the district court.”

18 **SEC. 203. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN**
 19 **PETTY OFFENSE CASES AND MAGISTRATE**
 20 **JUDGE AUTHORITY IN MISDEMEANOR CASES**
 21 **INVOLVING JUVENILE DEFENDANTS.**

22 (a) *AMENDMENTS TO TITLE 18.*—

23 (1) *PETTY OFFENSE CASES.*—Section 3401(b) of
 24 title 18, United States Code, is amended by striking
 25 “that is a class B misdemeanor charging a motor ve-

1 *hicle offense, a class C misdemeanor, or an infrac-*
2 *tion,” after “petty offense”.*

3 (2) *CASES INVOLVING JUVENILES.—Section*
4 *3401(g) of title 18, United States Code, is amended—*

5 (A) *by striking the first sentence and insert-*
6 *ing the following: “The magistrate judge may, in*
7 *a petty offense case involving a juvenile, exercise*
8 *all powers granted to the district court under*
9 *chapter 403 of this title.”;*

10 (B) *in the second sentence by striking “any*
11 *other class B or C misdemeanor case” and in-*
12 *serting “the case of any misdemeanor, other than*
13 *a petty offense,”; and*

14 (C) *by striking the last sentence.*

15 (b) *AMENDMENTS TO TITLE 28.—Section 636(a) of*
16 *title 28, United States Code, is amended by striking para-*
17 *graphs (4) and (5) and inserting the following:*

18 “(4) *the power to enter a sentence for a petty of-*
19 *fense; and*

20 “(5) *the power to enter a sentence for a class A*
21 *misdemeanor in a case in which the parties have con-*
22 *sented.”.*

1 **SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIRE-**
2 **MENTS.**

3 *Section 604 of title 28, United States Code, is amended*
4 *in subsection (a) by striking the second paragraph des-*
5 *ignated (24).*

6 **SEC. 205. PLACE OF HOLDING COURT IN THE EASTERN DIS-**
7 **TRICT OF TEXAS.**

8 *(a) TEXAS.—Section 124(c) of title 28, United States*
9 *Code, is amended—*

10 *(1) in paragraph (3)—*

11 *(A) by striking “Denton, and Grayson” and*
12 *inserting “Delta, Denton, Fannin, Grayson,*
13 *Hopkins, and Lamar”; and*

14 *(B) by inserting “and Plano” after “held at*
15 *Sherman”;*

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

19 *(3) in paragraph (5), as so redesignated, by in-*
20 *serting “Red River,” after “Franklin,”.*

21 *(b) TEXARKANA.—Sections 83(b)(1) and 124(c)(5) (as*
22 *redesignated by subsection (a) of this section) of title 28,*
23 *United States Code, are each amended by inserting after*
24 *“held at Texarkana” the following: “, and may be held any-*
25 *where within the Federal courthouse in Texarkana that is*
26 *located astride the State line between Texas and Arkansas”.*

1 **SEC. 206. FEDERAL SUBSTANCE ABUSE TREATMENT PRO-**
2 **GRAM REAUTHORIZATION.**

3 *Section 4(a) of the Contract Services for Drug Depend-*
4 *ent Federal Offenders Treatment Act of 1978 (Public Law*
5 *95-537; 92 Stat. 2038) is amended by striking all that fol-*
6 *lows “there are authorized to be appropriated” and insert-*
7 *ing “for fiscal year 2000 and each fiscal year thereafter*
8 *such sums as may be necessary to carry out this Act.”.*

9 **SEC. 207. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.**

10 *Section 332 of title 28, United States Code, is amended*
11 *in subsection (a)—*

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

14 *“(3) Except for the chief judge of the circuit, ei-*
15 *ther judges in regular active service or judges retired*
16 *from regular active service under section 371(b) of*
17 *this title may serve as members of the council.”; and*

18 *(2) by striking “retirement,” in paragraph (5)*
19 *and inserting “retirement pursuant to section 371(a)*
20 *or section 372(a) of this title,”.*

21 **SEC. 208. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY**
22 **REDUCTION PLANS.**

23 *Section 103(b)(2)(A) of the Civil Justice Reform Act*
24 *of 1990 (Public Law 101-650; 104 Stat. 5096; 28 U.S.C.*
25 *471 note), as amended by Public Law 105-53 (111 Stat.*
26 *1173), is amended by inserting “471,” after “sections”.*

1 **SEC. 209. TECHNICAL BANKRUPTCY CORRECTION.**

2 *Section 1228 of title 11, United States Code, is amend-*
3 *ed by striking “1222(b)(10)” each place it appears and in-*
4 *serting “1222(b)(9).”.*

5 **SEC. 210. AUTHORITY OF PRESIDING JUDGE TO ALLOW**
6 **MEDIA COVERAGE OF COURT PROCEEDINGS.**

7 *(a) AUTHORITY OF APPELLATE COURTS.—Notwith-*
8 *standing any other provision of law, the presiding judge*
9 *of an appellate court of the United States may, in his or*
10 *her discretion, with the consent of all named parties, permit*
11 *the photographing, electronic recording, broadcasting, or*
12 *televising to the public of court proceedings over which that*
13 *judge presides.*

14 *(b) AUTHORITY OF DISTRICT COURTS.—*

15 *(1) IN GENERAL.—Notwithstanding any other*
16 *provision of law, any presiding judge of a district*
17 *court of the United States may, in his or her discre-*
18 *tion, with the consent of all named parties, permit the*
19 *photographing, electronic recording, broadcasting, or*
20 *televising to the public of court proceedings over*
21 *which that judge presides.*

22 *(2) OBSCURING OF WITNESSES.—(A) Upon the*
23 *request of any witness in a trial proceeding other*
24 *than a party, the court shall order the face and voice*
25 *of the witness to be disguised or otherwise obscured in*

1 *such manner as to render the witness unrecognizable*
2 *to the broadcast audience of the trial proceeding.*

3 (B) *The presiding judge in a trial proceeding*
4 *shall inform each witness who is not a party that the*
5 *witness has the right to request that his or her image*
6 *and voice be obscured during the witness' testimony.*

7 (c) *ADVISORY GUIDELINES.—The Judicial Conference*
8 *of the United States is authorized to promulgate advisory*
9 *guidelines to which a presiding judge shall refer in making*
10 *decisions with respect to consistent criteria to be applied*
11 *in the exercise of the discretion of the presiding judge, and*
12 *to the management and administration of photographing,*
13 *recording, broadcasting, or televising described in sub-*
14 *sections (a) and (b).*

15 (d) *DEFINITIONS.—As used in this section:*

16 (1) *PRESIDING JUDGE.—The term “presiding*
17 *judge” means the judge presiding over the court pro-*
18 *ceeding concerned. In proceedings in which more than*
19 *one judge participates, the presiding judge shall be the*
20 *senior active judge so participating or, in the case of*
21 *a circuit court of appeals, the senior active circuit*
22 *judge so participating, except that—*

23 (A) *in en banc sittings of any United States*
24 *circuit court of appeals, the presiding judge shall*

1 *be the chief judge of the circuit whenever the*
 2 *chief judge participates; and*

3 *(B) in en banc sittings of the Supreme*
 4 *Court of the United States, the presiding judge*
 5 *shall be the Chief Justice whenever the Chief Jus-*
 6 *tice participates.*

7 (2) *APPELLATE COURT OF THE UNITED*
 8 *STATES.—The term “appellate court of the United*
 9 *States” means any United States circuit court of ap-*
 10 *peals and the Supreme Court of the United States.*

11 (i) *SUNSET.—The authority under subsection (b) shall*
 12 *terminate on the date that is 3 years after the date of the*
 13 *enactment of this Act.*

14 **TITLE III—JUDICIAL PER-**
 15 **SONNEL ADMINISTRATION,**
 16 **BENEFITS, AND PROTEC-**
 17 **TIONS**

18 **SEC. 301. DISABILITY RETIREMENT AND COST-OF-LIVING**
 19 **ADJUSTMENTS OF ANNUITIES FOR TERRI-**
 20 **TORIAL JUDGES.**

21 *Section 373 of title 28, is amended—*

22 (1) *by amending subsection (c)(4) to read as fol-*
 23 *lows:*

24 “(4) *Any senior judge performing judicial duties pur-*
 25 *suant to recall under paragraph (2) of this subsection shall*

1 *be paid, while performing such duties, the same compensa-*
2 *tion (in lieu of the annuity payable under this section) and*
3 *the same allowances for travel and other expenses as a judge*
4 *on active duty with the court being served.”;*

5 (2) *by amending subsection (e) to read as fol-*
6 *lows:*

7 “(e)(1) *any judge of the District Court of Guam, the*
8 *District Court of the Northern Mariana Islands, or the Dis-*
9 *trict Court of the Virgin Islands who is not reappointed*
10 *(as judge of such court) shall be entitled, upon attaining*
11 *the age of sixty-five years or upon relinquishing office if*
12 *the judge is then beyond the age of sixty-five years—*

13 “(A) *if the judicial service of such judge, contin-*
14 *uous or otherwise, aggregates fifteen years or more, to*
15 *receive during the remainder of such judge’s life an*
16 *annuity equal to the salary received when the judge*
17 *left office, or*

18 “(B) *if such judicial service, continuous or other-*
19 *wise, aggregated less than fifteen years, to receive dur-*
20 *ing the remainder of such judge’s life an annuity*
21 *equal to that proportion of such salary which the ag-*
22 *gregate number of such judge’s years of service bears*
23 *to fifteen.*

24 “(2) *Any judge of the District Court of Guam, the Dis-*
25 *trict Court of the Northern Mariana Islands, or the District*

1 *Court of the Virgin Islands who has served at least five*
2 *years, continuously or otherwise, and who retires or is re-*
3 *moved upon the sole ground of mental or physical dis-*
4 *ability, shall be entitled to receive during the remainder of*
5 *such judge's life an annuity equal to 40 percent of the sal-*
6 *ary received when the judge left office or, in the case of a*
7 *judge who has served at least ten years, continuously or oth-*
8 *erwise, an annuity equal to that proportion of such salary*
9 *which the aggregate number of such judge's years of judicial*
10 *service bears to fifteen.”; and*

11 *(3) by amending subsection (g) to read as fol-*
12 *lows:*

13 *“(g) Any retired judge who is entitled to receive an*
14 *annuity under this section shall be entitled to a cost-of-liv-*
15 *ing adjustment in the amount computed as specified in sec-*
16 *tion 8340(b) of title 5, except that in no case may the annu-*
17 *ity payable to such retired judge, as increased under this*
18 *subsection, exceed the salary of a judge in regular active*
19 *service with the court on which the retired judge served be-*
20 *fore retiring.”.*

21 **SEC. 302. FEDERAL JUDICIAL CENTER PERSONNEL MAT-**
22 **TERS.**

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

25 *(1) in subsection (b)—*

1 (A) by striking “, United States Code,”;

2 (B) by striking “pay rates, section 5316,
3 title 5, United States Code” and inserting
4 “under section 5316 of title 5, except that the Di-
5 rector may fix the compensation of 4 positions of
6 the Center at a level not to exceed the annual
7 rate of pay in effect for level IV of the Executive
8 Schedule under section 5315 of title 5”; and

9 (C) by striking “the Civil Service” and all
10 that follows through “Code” and inserting “sub-
11 chapter III of chapter 83 of title 5 shall be ad-
12 justed pursuant to the provisions of section 8344
13 of such title, and the salary of a reemployed an-
14 nuitant under chapter 84 of title 5 shall be ad-
15 justed pursuant to the provisions of section 8468
16 of such title”;

17 (2) in subsections (c) and (d) by striking
18 “, United States Code,” each place it appears; and

19 (3) in subsection (d) by striking “, United States
20 Code”.

21 **SEC. 303. JUDICIAL ADMINISTRATIVE OFFICIALS RETIRE-**
22 **MENT MATTERS.**

23 (a) *ELIMINATION OF MANDATORY RETIREMENT AGE*
24 *FOR DIRECTOR OF FEDERAL JUDICIAL CENTER.*—Section
25 627 of title 28, United States Code, is amended—

1 (1) *by striking subsection (a); and*

2 (2) *by redesignating subsections (b) through (f)*
3 *as subsections (a) through (e), respectively.*

4 ***(b) CREDITABLE SERVICE FOR CERTAIN JUDICIAL AD-***
5 ***MINISTRATIVE OFFICIALS.—***

6 (1) *Sections 611(d) and 627(d) (as redesignated*
7 *by subsection (a) of this section) of title 28, United*
8 *States Code, are each amended by inserting “a con-*
9 *gressional employee in the capacity of primary ad-*
10 *ministrative assistant to a Member of Congress or in*
11 *the capacity of staff director or chief counsel for the*
12 *majority or the minority of a committee or sub-*
13 *committee of the Senate or House of Representatives,”*
14 *after “Congress,”; and*

15 (2) *Sections 611(b) and 627(b) (as redesignated*
16 *by subsection (a) of this section) of such title are each*
17 *amended—*

18 (A) *by striking “who has served at least fif-*
19 *teen years and” and inserting “who has at least*
20 *fifteen years of service and has”;* and

21 (B) *in the first undesignated paragraph, by*
22 *striking “who has served at least ten years,” and*
23 *inserting “who has at least ten years of service,”.*

1 (3) Sections 611(c) and 627(c) (as redesignated
2 by subsection (a) of this section) of such title are each
3 amended—

4 (A) by striking “served at least fifteen
5 years,” and inserting “at least fifteen years of
6 service,”; and

7 (B) by striking “served less than fifteen
8 years,” and inserting “less than fifteen years of
9 service,”.

10 **SEC. 304. JUDGES’ FIREARMS TRAINING.**

11 (a) *IN GENERAL.*—Chapter 21 of title 28, United
12 States Code, is amended by adding at the end the following
13 new section:

14 **“§ 464. Carrying of firearms by judicial officers**

15 “(a) *AUTHORITY.*—A judicial officer of the United
16 States is authorized to carry a firearm, whether concealed
17 or not, under regulations promulgated by the Judicial Con-
18 ference of the United States. The authority granted by this
19 section shall extend only—

20 “(1) to those States in which the carrying of fire-
21 arms by judicial officers of the State is permitted by
22 State law, or—

23 “(2) regardless of State law, to any State in
24 which the judicial officer of the United States sits, re-
25 sides, or is present on official travel status.

1 “(b) *IMPLEMENTATION.*—

2 “(1) *REGULATIONS.*—*The regulations promul-*
3 *gated by the Judicial Conference under subsection (a)*
4 *shall—*

5 “(A) *require a demonstration of a judicial*
6 *officer’s proficiency in the use and safety of fire-*
7 *arms as a prerequisite to carrying of firearms*
8 *under the authority of this section; and*

9 “(B) *ensure that the carrying of a firearm*
10 *by a judicial officer under the protection of the*
11 *United States Marshals Service while away from*
12 *United States courthouses is consistent with*
13 *Marshals Service policy on carrying of firearms*
14 *by persons receiving such protection.*

15 “(2) *ASSISTANCE BY OTHER AGENCIES.*—*At the*
16 *request of the Judicial Conference, the Attorney Gen-*
17 *eral and appropriate law enforcement components of*
18 *the Department of Justice shall assist the Judicial*
19 *Conference in developing and providing training to*
20 *assist judicial officers in securing the proficiency re-*
21 *ferred to in paragraph (1).*

22 “(c) *DEFINITION.*—*For purposes of this section, the*
23 *term ‘judicial officer of the United States’ means—*

1 “(1) a justice or judge of the United States as de-
2 fined in section 451 in regular active service or re-
3 tired from regular active service;

4 “(2) a justice or judge of the United States who
5 has been retired from the judicial office under section
6 371(a) for—

7 “(A) no longer than a 1-year period fol-
8 lowing such justice’s or judge’s retirement; or

9 “(B) a longer period of time if approved by
10 the Judicial Conference of the United States
11 when exceptional circumstances warrant;

12 “(3) a United States bankruptcy judge;

13 “(4) a full-time or part-time United States mag-
14 istrate judge;

15 “(5) a judge of the United States Court of Fed-
16 eral Claims;

17 “(6) a judge of the United States District Court
18 of Guam;

19 “(7) a judge of the United States District Court
20 for the Northern Mariana Islands;

21 “(8) a judge of the United States District Court
22 of the Virgin Islands; or

23 “(9) an individual who is retired from one of the
24 judicial positions described under paragraphs (3)

1 *through (8) to the extent provided for in regulations*
2 *of the Judicial Conference of the United States.*

3 “(d) *EXCEPTION.—Notwithstanding section*
4 *46303(c)(1) of title 49, nothing in this section authorizes*
5 *a judicial officer of the United States to carry a dangerous*
6 *weapon on an aircraft or other common carrier.”.*

7 (b) *TECHNICAL AND CONFORMING AMENDMENTS.—*

8 (1) *The table of sections for chapter 21 of title*
9 *28, United States Code, is amended—*

10 (A) *in the item relating to section 452, by*
11 *striking “power” and inserting “powers”; and*

12 (B) *by adding at the end the following:*

“464. Carrying of firearms by judicial officers.”.

13 (2) *The section heading for section 453 of title*
14 *28, United States Code, is amended to read as follows:*

15 **“§453. Oath of justices and judges”.**

16 (c) *EFFECTIVE DATE.—The amendments made by sub-*
17 *section (a) and subsection (b)(1)(B) of this section shall take*
18 *effect upon the earlier of the promulgation of regulations*
19 *by the Judicial Conference under this section or one year*
20 *after the date of the enactment of this Act.*

1 **SEC. 305. REMOVAL OF AUTOMATIC EXCUSE FROM JURY**
2 **SERVICE FOR MEMBERS OF THE ARMED**
3 **SERVICES, MEMBERS OF FIRE AND POLICE**
4 **DEPARTMENTS, AND PUBLIC OFFICERS.**

5 (a) *REMOVAL OF AUTOMATIC EXCUSE.*—Section
6 1863(b) of title 28, United States Code, is amended by strik-
7 ing paragraph (6) and redesignating subsequent para-
8 graphs accordingly.

9 (b) *CONFORMING AMENDMENTS.*—Section 1869 of title
10 28, United States Code, is amended—

11 (1) by striking subsections (i) and (k);

12 (2) by redesignating subsection (j) as subsection
13 (i) and by striking the semicolon at the end and in-
14 serting “; and”; and

15 (3) by redesignating subsection (l) as subsection
16 (k).

17 (c) *SERVICE BY MEMBERS OF ARMED FORCES.*—(1)
18 Section 982 of title 10, United States Code, is amended—

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

21 “§982. **Members: service on Federal, State, and local**
22 **juries**”;

23 and

24 (B) in subsection (a) by striking “State or” and
25 inserting “Federal, State, or”.

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

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

4 **SEC. 306. EXPANDED WORKERS’ COMPENSATION COVERAGE**
5 **FOR JURORS.**

6 *Paragraph (2) of section 1877(b) of title 28, United*
7 *States Code, is amended—*

8 (1) *by striking “or” at the end of clause (C); and*

9 (2) *by inserting before the period at the end of*
10 *clause (D) “; or (E) traveling to or from the court-*
11 *house pursuant to a jury summons or sequestration*
12 *order, or as otherwise necessitated by order of the*
13 *court”.*

14 **SEC. 307. PROPERTY DAMAGE, THEFT, AND LOSS CLAIMS OF**
15 **JURORS.**

16 *Section 604 of title 28, United States Code, is amended*
17 *by adding at the end the following new subsection:*

18 “(i) *The Director may pay a claim by a person sum-*
19 *moned to serve or serving as a grand juror or petit juror*
20 *for loss of, or damage to, personal property that occurs inci-*
21 *dent to that person’s performance of duties in response to*
22 *the summons or at the direction of an officer of the court.*
23 *With respect to claims, the Director shall have the authority*
24 *granted to the head of an agency by section 3721 of title*
25 *31, for consideration of employee’s personal property*

1 *claims. The Director shall prescribe guidelines for the con-*
2 *sideration of claims under this subsection.”.*

3 **SEC. 308. ELIMINATION OF THE PUBLIC DRAWING REQUIRE-**
4 **MENTS FOR SELECTION OF JUROR WHEELS.**

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

8 *(1) by striking “publicly” in the first sentence;*
9 *and*

10 *(2) by inserting after the first sentence the fol-*
11 *lowing: “The clerk or jury commission shall post a*
12 *general notice for public review in the clerk’s office ex-*
13 *plaining the process by which names are periodically*
14 *and randomly drawn.”.*

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

18 *(1) by striking “publicly” in the second sentence;*
19 *and*

20 *(2) by inserting after the second sentence the fol-*
21 *lowing: “The clerk or jury commission shall post a*
22 *general notice for public review in the clerk’s office ex-*
23 *plaining the process by which names are periodically*
24 *and randomly drawn.”.*

1 **SEC. 309. ANNUAL LEAVE LIMIT FOR COURT UNIT EXECU-**
2 **TIVES.**

3 *Section 6304(f)(1) of title 5, United States Code, is*
4 *amended by adding at the end the following:*

5 *“(F) the judicial branch designated as a court*
6 *unit executive position by the Judicial Conference of*
7 *the United States.”.*

8 **SEC. 310. PAYMENTS TO MILITARY SURVIVOR BENEFIT**
9 **PLAN.**

10 *Section 371(e) of title 28, United States Code, is*
11 *amended by inserting after “such retired or retainer pay”*
12 *the following: “, except such pay as is deductible from the*
13 *retired or retainer pay as a result of participation in any*
14 *survivor’s benefits plan in connection with the retired*
15 *pay,”.*

16 **SEC. 311. AUTHORIZATION OF A CIRCUIT EXECUTIVE FOR**
17 **THE FEDERAL CIRCUIT.**

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

20 *“(h)(1) The United States Court of Appeals for the*
21 *Federal Circuit may appoint a circuit executive, who shall*
22 *serve at the pleasure of the court. In appointing a circuit*
23 *executive, the court shall take into account experience in*
24 *administrative and executive positions, familiarity with*
25 *court procedures, and special training. The circuit executive*
26 *shall exercise such administrative powers and perform such*

1 *duties as may be delegated by the court. The duties dele-*
2 *gated to the circuit executive may include but need not be*
3 *limited to the duties specified in subsection (e) of this sec-*
4 *tion, insofar as they are applicable to the Court of Appeals*
5 *for the Federal Circuit.*

6 “(2) *The circuit executive shall be paid the salary for*
7 *circuit executives established under subsection (f) of this sec-*
8 *tion.*”

9 “(3) *The circuit executive may appoint, with the ap-*
10 *proval of the court, necessary employees in such number as*
11 *may be approved by the Director of the Administrative Of-*
12 *fice of the United States Courts.*”

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

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

20 **SEC. 312. AMENDMENT TO THE JURY SELECTION PROCESS.**

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

23 (1) *in subsection (a) by inserting “or the clerk*
24 *under supervision of the court if the court’s jury selec-*

1 *tion plan so authorizes,” after “jury commission,”;*
 2 *and*

3 *(2) in subsection (b) by inserting “or the clerk*
 4 *if the court’s jury selection plan so provides,” after*
 5 *“may provide,”.*

6 **SEC. 313. SUPPLEMENTAL ATTENDANCE FEE FOR PETIT JU-**
 7 **RORS SERVING ON LENGTHY TRIALS.**

8 *Section 1871(b)(2) of title 28, United States Code, is*
 9 *amended by striking “thirty” each place it appears and in-*
 10 *serting “five”.*

11 **TITLE IV—CRIMINAL JUSTICE ACT**
 12 **AMENDMENTS**

13 **SEC. 401. MAXIMUM AMOUNTS OF COMPENSATION FOR AT-**
 14 **TORNEYS.**

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

17 *(1) in the first sentence—*

18 *(A) by striking “\$3,500” and inserting*
 19 *“\$5,400”;*

20 *(B) by striking “\$1,000” and inserting*
 21 *“\$1,600”;*

22 *(2) in the second sentence by striking “\$2,500”*
 23 *and inserting “\$3,900”;*

24 *(3) in the third sentence—*

1 (A) by striking “\$750” and inserting
2 “\$1,200”; and

3 (B) by striking “\$2,500” and inserting
4 “\$3,900”;

5 (4) by inserting after the second sentence the fol-
6 lowing new sentence: “For representation of a peti-
7 tioner in a non-capital habeas corpus proceeding, the
8 compensation for each attorney shall not exceed the
9 amount applicable to a felony in this paragraph for
10 representation of a defendant before a judicial officer
11 of the district court. For representation of such peti-
12 tioner in an appellate court, the compensation for
13 each attorney shall not exceed the amount applicable
14 for representation of a defendant in an appellate
15 court.”; and

16 (5) in the last sentence by striking “750” and
17 inserting “1,200”.

18 **SEC. 402. MAXIMUM AMOUNTS OF COMPENSATION FOR**

19 **SERVICES OTHER THAN COUNSEL.**

20 Section 3006A(e) of title 18, United States Code, is
21 amended—

22 (1) in paragraph (2)—

23 (A) in subparagraph (A) by striking “300”
24 and inserting “500”; and

1 (B) in subparagraph (B) by striking “300”
2 and inserting “500”; and
3 (2) in paragraph (3) in the first sentence by
4 striking “1,000” and inserting “1,600”.

5 **SEC. 403. TORT CLAIMS ACT AMENDMENTS RELATING TO LI-**
6 **ABILITY OF FEDERAL PUBLIC DEFENDERS.**

7 Section 2671 of title 28, United States Code, is amend-
8 ed in the second paragraph—
9 (1) by inserting “(1)” after “includes”; and
10 (2) by striking the period at the end and insert-
11 ing the following: “, and (2) any officer or employee
12 of a Federal Public Defender Organization, except
13 when such officer or employee performs professional
14 services in the course of providing representation
15 under section 3006A of title 18.”.