

108TH CONGRESS
1ST SESSION

H. R. 1302

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2003

Mr. SMITH of Texas (for himself, Mr. CONYERS, and Mr. BERMAN) introduced the following bill; which was referred to the Committee on the Judiciary

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Federal Courts Improvement Act of 2003”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 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 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 Fed-
 eral 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.

1 **TITLE I—JUDICIAL PROCESS**
 2 **IMPROVEMENTS**
 3 **SEC. 101. AUTHORITY OF BANKRUPTCY ADMINISTRATORS**
 4 **TO APPOINT TRUSTEES AND TO SERVE AS**
 5 **TRUSTEES IN BANKRUPTCY CASES IN THE**
 6 **STATES OF ALABAMA AND NORTH CAROLINA.**

7 Until the amendments made by subtitle A of title II
 8 of the Bankruptcy Judges, United States Trustees, and
 9 Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581
 10 note; Public Law 99–554; 100 Stat. 3088) become effec-

1 tive in and with respect to a judicial district in the State
2 of Alabama, or in and with respect to a judicial district
3 in the State of North Carolina—

4 (1) a reference in sections 303(g), 701(a),
5 703(b), 703(c), 1102(a), 1104(d), 1163, 1202, and
6 1302 of title 11, United States Code, to the United
7 States trustee shall be deemed to be a reference to
8 the bankruptcy administrator appointed and serving
9 in such district under the authority of section
10 302(d)(3)(I) of such Act;

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

16 (3) a reference in sections 701(a)(1) and 703(c)
17 of title 11, United States Code, to a panel of private
18 trustees established under section 586(a)(1) of title
19 28, United States Code, shall be deemed to be a ref-
20 erence to the panel of private trustees established in
21 such district under the authority of section
22 302(d)(3)(I)(i) of such Act; and

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

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

5 (B) to the United States trustee for the re-
6 gion shall be deemed to be a reference to the
7 bankruptcy administrator appointed for such
8 district;

9 (C) to a standing trustee shall be deemed
10 to be a reference to a standing trustee ap-
11 pointed by the bankruptcy administrator;

12 (D) to the designation of one or more as-
13 sistant United States trustees shall be dis-
14 regarded; and

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

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

21 **SEC. 102. CHANGE IN COMPOSITION OF DIVISIONS OF**
22 **EASTERN DISTRICT OF TEXAS.**

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

25 (1) in paragraph (3)—

1 (A) by striking “Denton, and Grayson”
2 and inserting “Delta, Denton, Fannin, Grayson,
3 Hopkins, and Lamar”; and

4 (B) by inserting “and Plano” after “held
5 at Sherman”;

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

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

11 (b) TEXARKANA.—Sections 83(b)(1) and 124(c)(5)
12 (as redesignated by subsection (a) of this section) of title
13 28, United States Code, are each amended by inserting
14 after “held at Texarkana” the following: “, and may be
15 held anywhere within the Federal courthouse in Tex-
16 arkana that is located astride the State line between Texas
17 and Arkansas”.

18 (c) EFFECTIVE DATE.—

19 (1) IN GENERAL.—This section and the amend-
20 ments made by this section shall take effect on the
21 date of the enactment of this Act.

22 (2) PENDING CASES NOT AFFECTED.—This sec-
23 tion and the amendments made by this section shall
24 not affect any action commenced before the effective
25 date of this section and pending in the United

1 States District Court for the Eastern District of
2 Texas on such date.

3 (3) JURIES NOT AFFECTED.—This section and
4 the amendments made by this section shall not af-
5 fect the composition, or preclude the service, of any
6 grand or petit jury summoned, impaneled, or actu-
7 ally serving in the Eastern Judicial District of Texas
8 on the effective date of this section.

9 **SEC. 103. CONDITIONS OF PROBATION AND SUPERVISED**
10 **RELEASE.**

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

15 (b) SUPERVISED RELEASE AFTER IMPRISONMENT.—
16 Section 3583(d) of title 18, United States Code, is amend-
17 ed by striking “section 3563(b)(1)” and all that follows
18 through “appropriate.” and inserting “section 3563(b)
19 and any other condition it considers to be appropriate, ex-
20 cept that a condition set forth in subsection 3563(b)(10)
21 shall be imposed only for a violation of a condition of su-
22 pervised release in accordance with subsection (e)(2) of
23 this section and only when facilities are available.”.

1 (c) CONFORMING AMENDMENT.—Section
2 3563(b)(10) of title 18, United States Code, is amended
3 by inserting “or supervised release” after “probation”.

4 **SEC. 104. REPORTING OF WIRETAP ORDERS.**

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

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

14 **SEC. 105. CLARIFYING THE SCOPE OF DIVERSITY OF CITI-**
15 **ZENSHIP FOR RESIDENT ALIENS.**

16 Section 1332(a) of title 28, United States Code, is
17 amended by striking the last sentence and inserting the
18 following: “The district courts shall not have original ju-
19 risdiction under paragraph (2) or (3) where the matter
20 in controversy is between a citizen of a State and a citizen
21 or subject of a foreign state admitted to the United States
22 for permanent residence and domiciled in the same
23 State.”.

1 **SEC. 106. AUTHORITY OF DISTRICT COURTS REGARDING**
2 **JURORS.**

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

5 (1) by striking “shall” and inserting “may”;

6 and

7 (2) by striking “his” and inserting “the”.

8 **SEC. 107. DELETION OF AUTOMATIC EXCUSE FROM JURY**
9 **SERVICE FOR MEMBERS OF THE ARMED**
10 **FORCES, MEMBERS OF FIRE AND POLICE DE-**
11 **PARTMENTS, AND PUBLIC OFFICERS.**

12 (a) REMOVAL OF EXEMPTION.—Section 1863(b) of
13 title 28, United States Code, is amended by striking para-
14 graph (6) and redesignating paragraphs (7) and (8) as
15 paragraphs (6) and (7), respectively.

16 (b) CONFORMING AMENDMENTS.—(1) Section
17 1865(a) of title 28, United States Code, is amended in
18 the first sentence by striking “, or exempt,”.

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

21 (A) in the first sentence of subsection (a), by
22 striking “exempt or”;

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

24 (i) by striking “or (6)”; and

25 (ii) by striking “excused, or exempt” and
26 inserting “or excused”; and

1 (C) in subsection (d), by striking “exempt,”.

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

4 (A) in the first sentence of subsection (h), by
5 striking “or exempted”; and

6 (B) by repealing subsection (i).

7 (c) DISCRETIONARY EXEMPTION FROM SERVICE.—

8 (1) Section 982 of title 10, United States Code, is amend-
9 ed—

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

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

14 and

15 (B) by striking “State or” and inserting “Fed-
16 eral, State, or”.

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

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

20 **SEC. 108. ELIMINATION OF THE PUBLIC DRAWING RE-**
21 **QUIREMENTS FOR SELECTION OF JUROR**
22 **WHEELS.**

23 (a) DRAWING OF NAMES FROM JURY WHEEL.—Sec-
24 tion 1864(a) of title 28, United States Code, is amended—

1 (1) in the first sentence, by striking “publicly”;
2 and

3 (2) by inserting after the first sentence the fol-
4 lowing new sentence: “The clerk or jury commission
5 shall post a general notice for public review in the
6 clerk’s office explaining the process by which names
7 are periodically and randomly drawn.”.

8 (b) SELECTION AND SUMMONING OF JURY PAN-
9 ELS.—Section 1866(a) of title 28, United States Code, is
10 amended—

11 (1) in the second sentence, by striking “pub-
12 licly”; and

13 (2) by inserting after the second sentence the
14 following new sentence: “The clerk or jury commis-
15 sion shall post a general notice for public review in
16 the clerk’s office explaining the process by which
17 names are periodically and randomly drawn.”.

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

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

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

1 **SEC. 110. CHANGE IN COMPOSITION OF DIVISIONS IN WEST-**
2 **ERN DISTRICT OF TENNESSEE.**

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

5 (1) in paragraph (1)—

6 (A) by inserting “Dyer,” after “Decatur,”;

7 and

8 (B) in the last sentence, by inserting “and

9 Dyersburg” after “Jackson”; and

10 (2) in paragraph (2)—

11 (A) by striking “Dyer,”; and

12 (B) in the second sentence, by striking

13 “and Dyersburg”.

14 (b) EFFECTIVE DATE.—

15 (1) IN GENERAL.—This section and the amend-
16 ments made by this section shall take effect on the
17 date of the enactment of this Act.

18 (2) PENDING CASES NOT AFFECTED.—This sec-
19 tion and the amendments made by this section shall
20 not affect any action commenced before the effective
21 date of this section and pending in the United
22 States District Court for the Western District of
23 Tennessee on such date.

24 (3) JURIES NOT AFFECTED.—This section and
25 the amendments made by this section shall not af-
26 fect the composition, or preclude the service, of any

1 grand or petit jury summoned, impaneled, or actu-
2 ally serving in the Western Judicial District of Ten-
3 nessee on the effective date of this section.

4 **SEC. 111. PLACE OF HOLDING COURT IN THE NORTHERN**
5 **DISTRICT OF NEW YORK.**

6 Section 112(a) of title 28, United States Code, is
7 amended by striking “and Watertown” and inserting
8 “Watertown, and Plattsburgh”.

9 **TITLE II—JUDICIAL PERSONNEL**
10 **ADMINISTRATION, BENEFITS,**
11 **AND PROTECTIONS**

12 **SEC. 201. DISABILITY RETIREMENT AND COST-OF-LIVING**
13 **ADJUSTMENTS OF ANNUITIES FOR TERRI-**
14 **TORIAL JUDGES.**

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

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

19 “(4) Any senior judge performing judicial duties pur-
20 suant to recall under paragraph (2) of this subsection
21 shall be paid, while performing such duties, the same com-
22 pensation (in lieu of the annuity payable under this sec-
23 tion) and the same allowances for travel and other ex-
24 penses as a judge on active duty with the court being
25 served.”;

1 (2) by amending subsection (e) to read as fol-
2 lows:

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

9 “(A) if the judicial service of such judge, con-
10 tinuous or otherwise, aggregates fifteen years or
11 more, to receive during the remainder of such
12 judge’s life an annuity equal to the salary received
13 when the judge left office; or

14 “(B) if such judicial service, continuous or oth-
15 erwise, aggregated less than fifteen years, to receive
16 during the remainder of such judge’s life an annuity
17 equal to that proportion of such salary which the ag-
18 gregate number of such judge’s years of service
19 bears to fifteen.

20 “(2) Any judge of the District Court of Guam, the
21 District Court of the Northern Mariana Islands, or the
22 District Court of the Virgin Islands who has served at
23 least five years, continuously or otherwise, and who retires
24 or is removed upon the sole ground of mental or physical
25 disability, shall be entitled to receive during the remainder

1 of such judge's life an annuity equal to 40 percent of the
2 salary received when the judge left office or, in the case
3 of a judge who has served at least ten years, continuously
4 or otherwise, an annuity equal to that proportion of such
5 salary which the aggregate number of such judge's years
6 of judicial service bears to fifteen.”; and

7 (3) by amending subsection (g) to read as fol-
8 lows:

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

17 **SEC. 202. FEDERAL JUDICIAL CENTER PERSONNEL MAT-**
18 **TERS.**

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

21 (1) in subsection (b)—

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

23 (B) by striking “pay rates, section 5316,
24 title 5, United States Code” and inserting

25 “under section 5316 of title 5, except that the

1 Director may fix the compensation of 4 posi-
2 tions of the Center at a level not to exceed the
3 annual rate of pay in effect for level IV of the
4 Executive Schedule under section 5315 of title
5 5”; and

6 (C) by striking “the Civil” and all that fol-
7 lows through “Code” and inserting “subchapter
8 III of chapter 83 of title 5 shall be adjusted
9 pursuant to the provisions of section 8344 of
10 such title, and the salary of a reemployed annu-
11 tant under chapter 84 of title 5 shall be ad-
12 justed pursuant to the provisions of section
13 8468 of such title”;

14 (2) in subsection (e), by striking “, United
15 States Code,”; and

16 (3) in subsection (d)—

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

18 (B) by striking “, section 5332, title 5,
19 United States Code” and inserting “under sec-
20 tion 5332 of title 5”.

21 **SEC. 203. ANNUAL LEAVE LIMIT FOR JUDICIAL BRANCH EX-**
22 **ECUTIVES.**

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

25 (1) in subparagraph (D), by striking “or”;

1 (2) in subparagraph (E), by striking the period
2 and inserting “; or”; and

3 (3) by adding at the end the following:

4 “(F) the judicial branch designated as a court
5 unit executive position by the Judicial Conference of
6 the United States or designated as an executive posi-
7 tion in the Federal Judicial Center by the Board of
8 the Federal Judicial Center.”.

9 **SEC. 204. SUPPLEMENTAL BENEFITS PROGRAM.**

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

12 (1) by redesignating paragraphs (6) through
13 (24) as paragraphs (7) through (25), respectively;
14 and

15 (2) by inserting after paragraph (5) the fol-
16 lowing:

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

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

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

6 **SEC. 206. MAXIMUM AMOUNTS OF COMPENSATION FOR AT-**
7 **TORNEYS.**

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

10 (1) by striking “\$5,200” and inserting
11 “\$7,000”;

12 (2) by striking “\$1,500” and inserting
13 “\$2,000”;

14 (3) by striking “\$3,700” and inserting
15 “\$5,000”;

16 (4) by striking “\$1,200” each place it appears
17 and inserting “\$1,500”; and

18 (5) by striking “\$3,900” and inserting
19 “\$5,000”.

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

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

24 (1) in paragraph (2)—

25 (A) in subparagraph (A), by striking
26 “\$300” and inserting “\$500”; and

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

5 **SEC. 208. PROTECTION AGAINST MALICIOUS RECORDING**
6 **OF FICTITIOUS LIENS AGAINST FEDERAL**
7 **JUDGES.**

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

11 **“§ 1521. Retaliating against a Federal judge by false**
12 **claim or slander of title**

13 “(a) Whoever files or attempts to file, in any public
14 record or in any private record which is generally available
15 to the public, any lien or encumbrance against the real
16 or personal property of a Federal judge, knowing or hav-
17 ing reason to know that such lien or encumbrance is false
18 or contains any materially false, fictitious, or fraudulent
19 statement or representation, shall be fined under this title
20 or imprisoned for not more than five years, or both. In
21 the case of an offense under this subsection which was
22 committed after the defendant had previously been con-
23 victed of an earlier offense under this subsection, the de-
24 fendant shall be fined under this title or imprisoned for
25 not more than ten years, or both.

1 (B) by striking “the court” and inserting
2 “the judicial council”; and
3 (2) in subsection (b), by striking “court” each
4 place it appears and inserting “judicial council”.

5 **TITLE III—ADDITIONAL** 6 **PROVISIONS**

7 **SEC. 301. MONITORING OF COMMUNICATIONS OF OFFICERS** 8 **AND EMPLOYEES OF JUDICIAL BRANCH.**

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

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

15 “(A) the Director does not intercept electronic
16 communications of any such officer or employee (in-
17 cluding any electronic communication consisting of
18 an electronic mail message or a transfer of informa-
19 tion by means of the World Wide Web or the Inter-
20 net) between or among computers, or hire or enter
21 into a contract with another entity to monitor or
22 intercept such communications, except pursuant
23 to—

24 “(i) a law enforcement investigation;

1 “(ii) prior authorization by the Judicial
2 Conference or its Executive Committee; or

3 “(iii) a policy adopted by the Judicial Con-
4 ference setting forth the procedures under
5 which the interception of such communications
6 may be authorized; and

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

11 “(2) In this subsection—

12 “(A) the term ‘electronic communication’ has
13 the meaning given that term in section 2510 of title
14 18;

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

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

21 **SEC. 302. CLERICAL AMENDMENTS.**

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

24 (1) in subsection (a)(3), by striking “371(f)(1)”
25 and inserting “371(e)(1)”;

1 (2) by striking the second subsection designated
2 “(h)”; and
3 (3) in subsection (f)(4), by striking “, United
4 States Code”.

○