

faced by a town in Tongass National Forest. The Committee on Resources favorably reported S. 430 with an amendment. The bill under consideration today contains further changes to the reported bill.

The purpose of S. 430 is to protect the watershed of the City of Kake, Alaska, and to maintain the value of private native lands that form this watershed. The watershed lands are owned by the Kake Tribal Corporation, an Alaska Native Corporation.

Kake Tribal owns about 2,500 acres of land forming the watershed for a creek that supplies the city residents a fish hatchery with clean, fresh water.

The property has valuable timber, but its location on the watershed has persuaded the corporation's board of directors not to authorize logging it, in keeping with the wishes of the city residents.

Last year, the Kake Tribal Corporation filed for bankruptcy, the victim of a controversial lawsuit. As a result, the board may have to log the watershed to pay anxious creditors.

Alaska strongly supports timber harvest, but only when it makes sense. While the city of Kake has made it clear that logging should not occur on the municipal watershed, the corporation finds itself in a no-win situation and may have to log the property because of the bankruptcy.

S. 430, as supported by the Committee on Resources, offers a reasonable solution. The bill authorizes a land exchange, in combination with a conservation easement, to fulfill three basic purposes: protect the watershed lands from harmful development, maintain the full value of the Kake Natives' lands and interest, and enable them to generate revenues in a way that should satisfy its creditors.

This bill is the product of lengthy negotiation and the gentleman from California (Mr. GEORGE MILLER), ranking Democrat, and his staff; and I would commend all of them for their sound advice and assistance.

S. 430 is a practical solution to a present problem affecting a small town in the Nation's largest national forest. I urge its passage.

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

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

Mr. Speaker, I rise in support of the legislation as amended by the Committee on Resources. At issue here is a bankrupt Alaska Native village corporation which is unable to log 2,500 acres of its lands which are adjacent to the community of Kake in southeast Alaska. Most of the corporation's 23,000-plus acres of lands have already been intensely logged, and the remaining uncut lands provide the watershed for the Kake residents and habitat for salmon and black bears.

In settlement of the 1984 lawsuit brought because logging operations were polluting the community's drinking water, the Kake Corporation and the city of Kake agreed not to allow additional logging in the watershed lands.

As passed by the Senate, S. 430 would have forced the Forest Service to exchange additional lands from the Tongass National Forest to the Kake Corporation. The administration has opposed this legislation. We share their concerns and do not think that the national forest should serve as a land bank to be drawn upon whenever Native corporations face financial problems and want new Federal lands containing old-growth timber.

But this bill has been greatly improved by the committee amendment and working closely together.

Instead of Tongass National Forest lands being conveyed out of public ownership as set forth in the Senate bill, the State of Alaska will now participate in the resolution of a local problem by exchanging State selected lands with the Kake Corporation.

The 1,430 acres obtained from Kake Corporation will, in turn, be transferred by the State of Alaska to the city of Kake to protect the municipal watershed. The amended bill also authorizes the purchase using funds to be appropriated by Congress of a conservation easement for an additional 1,127 acres of Kake Corporation-owned lands within the municipal watershed.

Under the conservation easement, these lands would be managed by the Southeast Alaska Land Trust to assure clean drinking water for the residents of Kake and to provide a fish and wildlife reserve for black bear and salmon.

Mr. Speaker, I especially want to recognize the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources, for his pragmatic approach in this legislation.

The Kake Tribal Corporation, the U.S. Forest Service, Alaska Governor Tony Knowles, and the Southeast Alaska Conservation Council all deserve credit for their efforts to negotiate a constructive resolution in this matter.

I urge all Members to support S. 430, as amended.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 430, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEDERAL COURTS IMPROVEMENT ACT OF 2000

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1752) to make improvements in the operation and administration of the Federal courts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1752

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

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

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

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

- Sec. 101. Transfer of retirement funds.
- Sec. 102. Judiciary Information Technology Fund.
- Sec. 103. Bankruptcy fees.
- Sec. 104. Disposition of miscellaneous fees.
- Sec. 105. Repeal of statute setting Court of Federal Claims filing fee.
- Sec. 106. Technical amendment relating to the treatment of certain bankruptcy fees collected.
- Sec. 107. Increase in fee for converting a chapter 7 or chapter 13 bankruptcy case to a chapter 11 bankruptcy case.
- Sec. 108. Increase in chapter 9 bankruptcy filing fee.
- Sec. 109. Creation of certifying officers in the judicial branch.
- Sec. 110. 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.
- Sec. 314. Service on territorial courts.
- Sec. 315. Residence of retired judges.
- Sec. 316. Court of Federal Claims Judicial Conference.
- Sec. 317. Recall of judges on disability status.
- Sec. 318. Senior status provision.
- Sec. 319. Miscellaneous provision.

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.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 101. TRANSFER OF RETIREMENT FUNDS.

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

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

SEC. 102. JUDICIARY INFORMATION TECHNOLOGY FUND.

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

- (1) by striking “equipment” each place it appears and inserting “resources”;
- (2) by striking subsection (f) and redesignating subsequent subsections accordingly;
- (3) in subsection (g), as so redesignated, by striking paragraph (3); and
- (4) in subsection (i), as so redesignated—
 - (A) by striking “Judiciary” and inserting “judiciary”;
 - (B) by striking “subparagraph (c)(1)(B)” and inserting “subsection (c)(1)(B)”; and

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

SEC. 103. BANKRUPTCY FEES.

Subsection (a) of section 1930 of title 28, United States Code, is amended by inserting after paragraph (6) the following new paragraph:

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

SEC. 104. DISPOSITION OF MISCELLANEOUS FEES.

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

SEC. 105. REPEAL OF STATUTE SETTING COURT OF FEDERAL CLAIMS FILING FEE.

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

SEC. 106. TECHNICAL AMENDMENT RELATING TO THE TREATMENT OF CERTAIN BANKRUPTCY FEES COLLECTED.

(a) **AMENDMENT.**—The first sentence of section 406(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162; 103 Stat. 1016) is amended by striking “service enumerated after item 18” and inserting “service not of a kind described in any of the items enumerated as items 1 through 7 and as items 9 through 18, as in effect on November 21, 1989, (and not of a kind described in items enumerated as items 8.1, 8.2, and 23, as in effect on January 1, 1998)”.

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

SEC. 107. INCREASE IN FEE FOR CONVERTING A CHAPTER 7 OR CHAPTER 13 BANKRUPTCY CASE TO A CHAPTER 11 BANKRUPTCY CASE.

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

SEC. 108. INCREASE IN CHAPTER 9 BANKRUPTCY FILING FEE.

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

SEC. 109. CREATION OF CERTIFYING OFFICERS IN THE JUDICIAL BRANCH.

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

“§ 613. Disbursing and certifying officers

“(a) **DISBURSING OFFICERS.**—The Director may designate in writing officers and em-

ployees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such dispersing officers shall—

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

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

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

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

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

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

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

“(2) The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

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

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

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

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

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

“613. Disbursing and certifying officers.”

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

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

SEC. 110. FEE AUTHORITY FOR TECHNOLOGY RESOURCES IN THE COURTS.

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

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

The Judicial Conference is authorized to prescribe reasonable fees pursuant to sections 1913, 1914, 1926, 1930, and 1932, for use of information technology resources provided by the judiciary to improve the efficiency of and access to the courts. Fees collected pursuant to this section are to be deposited in the Judiciary Information Technology Fund to be available to the Director without fiscal year limitation for reinvestment in information technology resources which will advance the purposes of this section.”

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

“614. Authority to prescribe fees 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.**

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

(1) by striking the first two sentences of subsection (a) and inserting the following: “The judges of each United States district court and the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands shall appoint United States magistrate judges in such numbers and to serve at such locations within the judicial districts as the Conference may determine under this chapter. In the case of a magistrate judge appointed by the district court of the Virgin Islands, Guam, or the Northern Mariana Islands, this chapter shall apply as though the court appointing such a magistrate judge were a United States district court.”; and

(2) in the first sentence of subsection (b)(1), by inserting “the Territory of Guam, the Commonwealth of the Northern Mariana Islands,” after “Commonwealth of Puerto Rico.”

SEC. 202. MAGISTRATE JUDGE CONTEMPT AUTHORITY.

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

“(e) CONTEMPT AUTHORITY.—

“(1) CONTEMPT AUTHORITY.—A United States magistrate judge serving under this chapter shall have within the territorial jurisdiction prescribed by his or her appointment the power to exercise contempt authority as set forth in this subsection.

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

“(3) ADDITIONAL CRIMINAL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge shall have the power to punish by fine or imprisonment such criminal contempt constituting disobedience or resistance to the magistrate judge’s lawful writ, process, order, rule, decree, or command. Disposition of such contempt shall be conducted upon no-

tice and hearing pursuant to the Federal Rules of Criminal Procedure.

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

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

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

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

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

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

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

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

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

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

(a) AMENDMENTS TO TITLE 18.—

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

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

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

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

(C) by striking the last sentence.

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

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

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

SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIREMENTS.

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

SEC. 205. PLACE OF HOLDING COURT IN THE EASTERN DISTRICT OF TEXAS.

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

(1) in paragraph (3)—

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

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

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

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

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

SEC. 206. FEDERAL SUBSTANCE ABUSE TREATMENT PROGRAM REAUTHORIZATION.

Section 4(a) of the Contract Services for Drug Dependent Federal Offenders Treatment Act of 1978 (Public Law 95-537; 92 Stat. 2038) is amended by striking all that follows “there are authorized to be appropriated” and inserting “for fiscal year 2000 and each fiscal year thereafter such sums as may be necessary to carry out this Act.”

SEC. 207. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.

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

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

“(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council.”; and

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

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

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

SEC. 209. TECHNICAL BANKRUPTCY CORRECTION.

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

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

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

(b) AUTHORITY OF DISTRICT COURTS.

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

(2) **OBSCURING OF WITNESSES.**—(A) Upon the request of any witness in a trial proceeding other than a party, the court shall order the face and voice of the witness to be disguised or otherwise obscured in such manner as to render the witness unrecognizable to the broadcast audience of the trial proceeding.

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

(c) **ADVISORY GUIDELINES.**—The Judicial Conference of the United States is authorized to promulgate advisory guidelines to which a presiding judge shall refer in making decisions with respect to consistent criteria to be applied in the exercise of the discretion of the presiding judge, and to the management and administration of photographing, recording, broadcasting, and televising described in subsections (a) and (b).

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

(1) **PRESIDING JUDGE.**—The term “presiding judge” means the judge presiding over the court proceeding concerned. In proceedings in which more than one judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) **APPELLATE COURT OF THE UNITED STATES.**—The term “appellate court of the United States” means any United States circuit court of appeals and the Supreme Court of the United States.

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

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS**SEC. 301. DISABILITY RETIREMENT AND COST-OF-LIVING ADJUSTMENTS OF ANNUITIES FOR TERRITORIAL JUDGES.**

Section 373 of title 28, is amended—

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

“(4) Any senior judge performing judicial duties pursuant to recall under paragraph (2)

of this subsection shall be paid, while performing such duties, the same compensation (in lieu of the annuity payable under this section) and the same allowances for travel and other expenses as a judge on active duty with the court being served.”;

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

“(e)(1) any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who is not reappointed (as judge of such court) shall be entitled, upon attaining the age of 65 years or upon relinquishing office if the judge is then beyond the age of 65 years—

“(A) if the judicial service of such judge, continuous or otherwise, aggregates 15 years or more, to receive during the remainder of such judge's life an annuity equal to the salary received when the judge left office; or

“(B) if such judicial service, continuous or otherwise, aggregated less than 15 years, to receive during the remainder of such judge's life an annuity equal to that proportion of such salary which the aggregate number of such judge's years of service bears to 15.

“(2) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who has served at least 5 years, continuously or otherwise, and who retires or is removed upon the sole ground of mental or physical disability, shall be entitled to receive during the remainder of such judge's life an annuity equal to 40 percent of the salary received when the judge left office or, in the case of a judge who has served at least 10 years, continuously or otherwise, an annuity equal to that proportion of such salary which the aggregate number of such judge's years of judicial service bears to 15.”;

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

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

SEC. 302. FEDERAL JUDICIAL CENTER PERSONNEL MATTERS.

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

(1) in subsection (b)—

(A) by striking “, United States Code, governing appointments in” and inserting “governing appointments in the”;

(B) by striking “such title, relating” and inserting “such title relating”;

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

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

(2) in subsection (c)—

(A) by striking “, United States Code, governing appointments in competitive service”

and inserting “governing appointments in the competitive service,”; and

(B) by striking “such title, relating” and inserting “such title relating”;

(3) in subsection (d)—

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

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

SEC. 303. JUDICIAL ADMINISTRATIVE OFFICIALS RETIREMENT MATTERS.

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

(1) by striking subsection (a); and

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

(b) **CREDITABLE SERVICE FOR CERTAIN JUDICIAL ADMINISTRATIVE OFFICIALS.**—

(1) Sections 611(d) and 627(d) (as redesignated by subsection (a) of this section) of title 28, United States Code, are each amended by inserting “a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives,” after “Congress,”; and

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

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

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

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

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

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

SEC. 304. JUDGES' FIREARMS TRAINING.

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

“§464. Carrying of firearms by judicial officers

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

“(1) to those States in which the carrying of firearms by judicial officers of the State is permitted by State law; or

“(2) regardless of State law, to any State in which the judicial officer of the United States sits, resides, or is present on official travel status.

“(b) **IMPLEMENTATION.**—

“(1) **REGULATIONS.**—The regulations promulgated by the Judicial Conference under subsection (a) shall—

“(A) require a demonstration of a judicial officer's proficiency in the use and safety of firearms as a prerequisite to carrying of firearms under the authority of this section; and

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

“(2) ASSISTANCE BY OTHER AGENCIES.—At the request of the Judicial Conference, the Attorney General and appropriate law enforcement components of the Department of Justice shall assist the Judicial Conference in developing and providing training to assist judicial officers in securing the proficiency referred to in paragraph (1).

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

“(1) a justice or judge of the United States as defined in section 451 in regular active service or retired from regular active service;

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

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

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

“(3) a United States bankruptcy judge;

“(4) a full-time or part-time United States magistrate judge;

“(5) a judge of the United States Court of Federal Claims;

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

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

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

“(9) an individual who is retired from one of the judicial positions described under paragraphs (3) through (8) to the extent provided for in regulations of the Judicial Conference of the United States.

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

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

(B) by adding at the end the following:

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

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

“§ 453. Oath of justices and judges”.

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

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

(a) REMOVAL OF AUTOMATIC EXCUSE.—Section 1863(b) of title 28, United States Code, is amended by striking paragraph (6) and redesignating subsequent paragraphs accordingly.

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

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

(2) by redesignating subsection (j) as subsection (i) and by striking the semicolon at the end and inserting “; and”; and

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

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

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

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

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

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

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

SEC. 306. EXPANDED WORKERS’ COMPENSATION COVERAGE FOR JURORS.

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

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

(2) by inserting before the period at the end of clause (D) “, or (E) traveling to or from the courthouse pursuant to a jury summons or sequestration order, or as otherwise necessitated by order of the court”.

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

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

“(i) The Director may pay a claim by a person summoned to serve or serving as a grand juror or petit juror for loss of, or damage to, personal property that occurs incident to that person’s performance of duties in response to the summons or at the direction of an officer of the court. With respect to claims, the Director shall have the authority granted to the head of an agency by section 3721 of title 31 for consideration of employees’ personal property claims. The Director shall prescribe guidelines for the consideration of claims under this subsection.”.

SEC. 308. ELIMINATION OF THE PUBLIC DRAWING REQUIREMENTS FOR SELECTION OF JUROR WHEELS.

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

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

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

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

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

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

SEC. 309. ANNUAL LEAVE LIMIT FOR COURT UNIT EXECUTIVES.

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

(1) in subparagraph (D), by striking “or” after the semicolon;

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

(3) by adding at the end the following:

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

SEC. 310. PAYMENTS TO MILITARY SURVIVOR BENEFIT PLAN.

Section 371(e) of title 28, United States Code, is amended by inserting after “such re-

tired or retainer pay” the following: “, except such pay as is deductible from the retired or retainer pay as a result of participation in any survivor’s benefits plan in connection with the retired pay.”.

SEC. 311. AUTHORIZATION OF A CIRCUIT EXECUTIVE FOR THE FEDERAL CIRCUIT.

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

“(h)(1) The United States Court of Appeals for the Federal Circuit may appoint a circuit executive, who shall serve at the pleasure of the court. In appointing a circuit executive, the court shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated by the court. The duties delegated to the circuit executive may include but need not be limited to the duties specified in subsection (e) of this section, insofar as they are applicable to the Court of Appeals for the Federal Circuit.

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

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

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

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

SEC. 312. AMENDMENT TO THE JURY SELECTION PROCESS.

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

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

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

SEC. 313. SUPPLEMENTAL ATTENDANCE FEE FOR PETIT JURORS SERVING ON LENGTHY TRIALS.

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

SEC. 314. SERVICE ON TERRITORIAL COURTS.

Section 174 of title 28, United States Code, is amended by adding at the end the following new subsection:

“(c) Upon request by or on behalf of a territorial court, and with the concurrence of the chief judge of the Court of Federal Claims and the chief judge of the judicial circuit involved based upon a finding of need, judges of the Court of Federal Claims shall have the authority to conduct proceedings in the district courts of territories to the same extent as duly appointed judges of those courts.”.

SEC. 315. RESIDENCE OF RETIRED JUDGES.

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

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

SEC. 316. COURT OF FEDERAL CLAIMS JUDICIAL CONFERENCE.

(a) IN GENERAL.—Chapter 15 of title 28, United States Code, is amended by adding at the end the following new section:

“§336. Judicial Conference of the Court of Federal Claims

“(a) ANNUAL CONFERENCE.—The chief judge of the Court of Federal Claims is authorized to summon annually the judges of that court to a judicial conference, at a time and place that the chief judge designates, for the purpose of considering the business of the Court of Federal Claims and improvements in the administration of justice in that court.

“(b) REPRESENTATION AND PARTICIPATION BY MEMBERS OF THE BAR.—The Court of Federal Claims shall provide by its rules or by general order for representation and active participation by members of the bar at the judicial conference summoned under subsection (a).”.

(b) CONFORMING AMENDMENT.—The table of sections of chapter 15 of title 28, United States Code, is amended by adding at the end the following new item:

“336. Judicial Conference of the Court of Federal Claims.”.

SEC. 317. RECALL OF JUDGES ON DISABILITY STATUS.

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

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

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

SEC. 318. SENIOR STATUS PROVISION.

(a) IN GENERAL.—Section 178 of title 28, United States Code, is amended by adding at the end the following new subsection:

“(m) For purposes of section 3121(i)(5) of the Internal Revenue Act of 1986 (26 U.S.C. 3121(i)(5)) and section 209(h) of the Social Security Act (42 U.S.C. 409(h)), the annuity of a judge of the Court of Federal Claims who is on senior status after attaining age 65 shall be deemed to be an amount paid under section 371(b) of this title for performing services under the provisions of section 294 of this title.”.

(b) CLERICAL AMENDMENT.—Section 178(k)(2) of title 28, United States Code, is amended by inserting “the” after “Director of”.

SEC. 319. MISCELLANEOUS PROVISION.

Chapter 7 of title 28, United States Code, is amended by adding after section 178 the following new section:

“§ 179. Insurance and annuities programs

“(a) JUDGES DEEMED TO BE OFFICERS FOR PURPOSES OF TITLE 5.—For purposes of construing title 5, a judge of the United States Court of Federal Claims shall be deemed to be an ‘officer’ under section 2104(a) of such title.

“(b) HEALTH INSURANCE BENEFITS.—For purposes of construing chapter 89 of title 5, a judge of the United States Court of Federal Claims who—

“(1) is retired under section 178(a) or (b) of this title and performs recall service under section 178(d) of this title, and

“(2) was enrolled in a health benefits plan under chapter 89 of title 5 at the time the judge became a retired judge,

shall be deemed to be an annuitant meeting the requirements of section 8905(b)(1) of title

5, notwithstanding the length of enrollment prior to the date of retirement.”.

TITLE IV—CRIMINAL JUSTICE ACT AMENDMENTS**SEC. 401. MAXIMUM AMOUNTS OF COMPENSATION FOR ATTORNEYS.**

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

(1) in the first sentence—
(A) by striking “\$3,500” and inserting “\$5,400”;

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

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

(3) in the third sentence—
(A) by striking “\$750” and inserting “\$1,200”; and

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

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

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

SEC. 402. MAXIMUM AMOUNTS OF COMPENSATION FOR SERVICES OTHER THAN COUNSEL.

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

(1) in paragraph (2)—
(A) in subparagraph (A) by striking “\$300” and inserting “\$500”; and

(B) in subparagraph (B) by striking “\$300” and inserting “\$500”; and

(2) in paragraph (3) in the first sentence by striking “\$1,000” and inserting “\$1,600”.

SEC. 403. TORT CLAIMS ACT AMENDMENTS RELATING TO LIABILITY OF FEDERAL PUBLIC DEFENDERS.

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

(1) by inserting “(1)” after “includes”; and

(2) by striking the period at the end and inserting the following: “, and (2) any officer or employee of a Federal Public Defender Organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1752.

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

There was no objection.

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

Mr. Speaker, H.R. 1752 contains several provisions that are needed to im-

prove the Federal court system. It is designed to improve administration and procedures, eliminate operational inefficiencies, and reduce operating expenses.

The provisions contained in H.R. 1752 address administrative, financial, personnel, organizational, and technical changes that are needed by the Article III Federal courts and their supporting agencies. These provisions are designed to have a positive effect on the operations of the Federal courts and enhance the delivery of justice in the Federal system.

The manager’s amendment makes no substantive changes. However, on the advice of legislative counsel, certain technical and conforming changes have been made to H.R. 1752. Furthermore, after consultation with the Committee on the Budget, it became clear that the provision regarding the civil asset forfeiture would require unanticipated expenditures. Therefore, it was taken out of H.R. 1752 and will be reconsidered in the future.

H.R. 1752, Mr. Speaker, is necessary legislation for the proper functioning of our United States courts. It is non-partisan and noncontroversial, and I urge the House to pass H.R. 1752.

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

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

Mr. Speaker, I am pleased to rise today in support of this measure, which has been well described and characterized by the gentleman from North Carolina (Mr. COBLE), the chairman of the Subcommittee on Courts and Intellectual Property; and I commend him for his leadership in bringing this measure to the floor today.

The Federal Courts Improvement Act makes a variety of changes requested by the Judicial Conference to improve administration and operation of the United States courts. Among other measures, the bill harmonizes a variety of court fees, grants magistrate judges the power to exercise contempt authority in several instances, gives presiding judges the authority to allow media coverage of court proceedings in appropriate cases, and removes the automatic excuse from jury service for certain State and local employees and officials.

These changes will improve the operation of the United States courts, and I am pleased to endorse them this afternoon and to encourage our colleagues to pass this bill.

Mr. Speaker, I yield back the balance of my time.

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

Mr. Speaker, I thank the gentleman from Virginia (Mr. BOUCHER) for his generous words. I thank the gentleman from California (Mr. BERMAN), ranking member, and all Members of the subcommittee for their assistance in formulating this bill and moving it forward to the House.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 1752, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1430

EXTENDING DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF HYDROELECTRIC PROJECT IN STATE OF ALABAMA

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3852) to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama.

The Clerk read as follows:

H.R. 3852

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

SECTION 1. EXTENSION OF DEADLINE AND REINSTATEMENT OF LICENSE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 7115, the Commission shall, at the request of the licensee for the project, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend for 3 consecutive 2-year periods, the time period during which the licensee is required to commence construction of the project.

(b) APPLICABILITY.—Subsection (a) shall take effect on the expiration of the period required for commencement of construction of the project described in subsection (a).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of expiration of the license.

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

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

H.R. 3852 extends the construction period for a hydroelectric project in the State of Alabama. Under section 13 of the Federal Power Act, project construction must begin within 4 years of issuance of the license. If construction has not yet begun, FERC cannot extend the deadline and must terminate the license. H.R. 3852 grants the project developer up to 6 additional years to commence construction if it pursues the commencement of construction in good faith and with due diligence.

These types of bills have not been controversial in the past. The bill does not change the license requirements in any way and does not change environmental standards, but merely extends the construction deadline.

There is a need to act, Mr. Speaker, since the construction deadline for the George Andrews project expires in September. If Congress does not act, FERC will terminate the license, the project owner will lose its investment in the project, and the local community will lose jobs and revenues.

Mr. Speaker, I urge support of H.R. 3852.

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

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

Mr. Speaker, I rise today in support of this measure. I want to congratulate our colleague, the gentleman from South Carolina (Mr. DEMINT), for his efforts on this measure. He has made an excellent case to the House for its approval, and I am pleased to urge its approval today.

The legislation directs the Federal Energy Regulatory Commission to extend the deadline for commencement of construction on the Andrews project, which is a 24 megawatt hydroelectric facility to be located on the Chattahoochee River in Houston County, Alabama and Early County, Georgia. The construction deadline for the project expires on September 21 of this year, and it is the purpose of this legislation to extend that deadline. The legislation will extend the deadline for up to 3 additional 2-year periods.

Congress has enacted similar legislation in past years extending construction deadlines on projects of this nature, and this particular legislation was reported unanimously by the Subcommittee on Energy and Power and by the full Committee on Commerce. I know of no objection to this legislation, either from any of our colleagues or from any States that have an interest in the project; and I am, therefore, pleased to urge its passage by the House.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3852.

The question was taken.

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

The yeas and nays were ordered.

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

EXTENDING DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF ARROWROCK DAM HYDROELECTRIC PROJECT IN STATE OF IDAHO

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1236) to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho, as amended.

The Clerk read as follows:

S. 1236

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

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for three consecutive two-year periods.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on the date of the expiration of the extension issued by the Commission prior to the date of enactment of this Act under section 13 of the Federal Power Act (16 U.S.C. 806).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this