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FEDERAL JUDICIARY ADMINISTRATIVE IMPROVEMENTS ACT OF 2010

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1782) to provide improvements for the operations of the Federal courts, and for other purposes. The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1782

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Judiciary Administrative Improvements Act of 2010”.

SEC. 2. SENIOR JUDGE GOVERNANCE CORRECTION.

Section 631(a) of title 28, United States Code, is amended in the first sentence by striking “(including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)”.

SEC. 3. REVISION OF STATUTORY DESCRIPTION OF THE DISTRICT OF NORTH DAKOTA.

Chapter 5 of title 28, United States Code, is amended by striking section 114 and inserting the following:

“§ 114. North Dakota

“North Dakota constitutes one judicial district.

“Court shall be held at Bismarck, Fargo, Grand Forks, and Minot.”.

SEC. 4. SEPARATION OF THE JUDGMENT AND STATEMENT OF REASONS FORMS.

Section 3553(c)(2) of title 18, United States Code, is amended by striking “the written order of judgment and commitment” and inserting “a statement of reasons form issued under section 994(w)(1)(B) of title 28”.

SEC. 5. PRETRIAL SERVICES FUNCTIONS FOR JUVENILES.

Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (14) as paragraph (15); and

(2) by inserting after paragraph (13) the following:

“(14) Perform, in a manner appropriate for juveniles, any of the functions identified in this section with respect to juveniles awaiting adjudication, trial, or disposition under chapter 403 of this title who are not detained.”.

SEC. 6. STATISTICAL REPORTING SCHEDULE FOR CRIMINAL WIRETAP ORDERS.

Section 2519 of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “Within thirty days after the expiration of an order (or each extension thereof) entered under section 2518, or the denial of an order approving an interception, the issuing or denying judge” and inserting “In January of each year, any judge who has issued an order (or an extension thereof) under section 2518 that expired during the preceding year, or who has denied approval of an interception during that year.”;

(2) in paragraph (2), by striking “In January of each year” and inserting “In March of each year”; and

(3) in paragraph (3), by striking “In April of each year” and inserting “In June of each year”.

SEC. 7. THRESHOLDS FOR ADMINISTRATIVE REVIEW OF OTHER THAN COUNSEL CASE COMPENSATION.

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

(1) in subsection (e)—

(A) in paragraph (2)—

(i) in subparagraph (A), in the second sentence, by striking “\$500” and inserting “\$800”; and

(ii) in subparagraph (B), by striking “\$500” and inserting “\$800”; and

(B) in paragraph (3), in the first sentence, by striking “\$1,600” and inserting “\$2,400”; and

(2) by adding at the end the following:

“(5) The dollar amounts provided in paragraphs (2) and (3) shall be adjusted simultaneously by an amount, rounded to the nearest multiple of \$100, equal to the percentage of the cumulative adjustments taking effect under section 5303 of title 5 in the rates of pay under the General Schedule since the date the dollar amounts provided in paragraphs (2) and (3), respectively, were last enacted or adjusted by statute.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Florida (Mr. ROONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, the Federal Judiciary Administrative Improvements Act of 2010 makes a number of changes to increase the efficiency and effectiveness of the Federal courts. The House passed a substantially similar version of this legislation last October.

H.R. 3632, which I introduced, was cosponsored by Chairman JOHN CONYERS, Ranking Member LAMAR SMITH, and Ranking Member HOWARD COBLE of the Subcommittee on Courts and Competition Policy, which I also chair.

S. 1782 would make a number of modest changes to the law and to the administrative operations of the Federal judiciary.

First, it will fix a minor conflict in the law and make clear that senior judges with a reduced workload are permitted to participate in the selection of magistrate judges.

Second, the bill incorporates a proposal supported by my friend and colleague from North Dakota, EARL POMEROY, to place North Dakota in a single judicial district. This will allow for a more even distribution of the workloads of the Federal courts in North Dakota.

Third, the bill makes some minor adjustments for criminal matters. It re-

quires separating the Statement of Reason from other information relating to the case, enabling confidential information to be more carefully controlled and protected.

The bill also clarifies the scope and authority of Federal Pretrial Service officers to supervise and assist juveniles awaiting delinquency disposition in Federal court as an alternative to incarceration.

Further, the bill adjusts the deadline for both State and Federal judges to file their wiretap totals with the Administrative Office of the Courts so that the annual wiretap report to Congress is accurate and does not later require a later addendum.

Finally, the bill increases the statutory amount that can be paid for experts without requiring approval by the chief judge. This raises the current threshold to accurately reflect the impact of inflation.

While I strongly support passage of the Senate bill, I note that some provisions in the House bill are not included in this bill.

For example, the House bill would have adjusted the disability requirement and cost-of-living annuities of four territorial judges, thereby reducing existing inequities between them and other term judges such as magistrate and bankruptcy judges.

The House bill would have changed the annual lead limit for the judicial branch and adjusted the pay scale.

Finally, the House bill would have allowed four Federal Judicial Center Division directors to receive a salary commensurate with their responsibilities and on par with similar AO personnel.

I intend to introduce new legislation that will include these provisions from my version of the Federal Judiciary Administrative Improvements Act, but let me be clear that passage of the legislation before us today is an important step to improving our Federal judiciary and helping it function in the most efficient way. This legislation is bipartisan and noncontroversial. It passed the Senate under unanimous consent and has the full backing of the Judicial Conference. I ask my colleagues to join me in supporting this important legislation.

I reserve the balance of my time.

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

Mr. Speaker, the purpose of S. 1782 is to implement noncontroversial administrative provisions that the Judicial Conference and the House Judiciary Committee believe are necessary to improve the operations of the Federal judiciary and provide justice for the American people. The bill retains most of the content of H.R. 3632, which we passed in October of 2009.

The Judicial Conference is the policymaking body of the Federal judiciary and through its committee system

evaluates court operations. The conference endorses all the provisions in this bill.

S. 1782 affects a wide range of judicial branch programs and operations, including those pertaining to financial administration, process improvements, and personnel administration. The bill incorporates five separate items.

First, it clarifies that senior judges must satisfy minimum work thresholds to participate in court government matters, including the selection of magistrates.

Second, the bill eliminates the references to divisions and counties in the statutory description of the Judicial District of North Dakota, which enables the court to better distribute the workload between two active district judges and reduce travel for litigants in the northern central area of the district.

Third, it authorizes the Statement of Reasons that judges must issue upon sentencing to be filed separately with the court. Current law requires that the statement be bundled with other information in the case distributed to the Sentencing Commission, where it can be difficult to maintain a seal related to confidential information.

Fourth, it specifies that the Federal Pretrial Service officers can provide the same services to juveniles as they do for adult offenders, such as drug treatment.

And, finally, it applies an inflationary index to the threshold amount requiring approval by the chief judge of reimbursements for the cost of hiring expert witnesses and conducting investigation for indigent defendants.

The dollar thresholds are statutorily fixed and erode over time. This means chief justices must devote greater time approving what are otherwise not genuine high-dollar requests.

Mr. Speaker, S. 1782 is necessary to improve the functioning of the U.S. courts, which will ultimately benefit the American people. This is a non-controversial bill, and I urge my colleagues to support it.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, S. 1782.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING CONDOLENCES FOR CHATHAM COUNTY COURTHOUSE FIRE

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and

agree to the resolution (H. Res. 1364) honoring the historic and community significance of the Chatham County Courthouse and expressing condolences to Chatham County and the town of Pittsboro for the fire damage sustained by the courthouse on March 25, 2010.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1364

Whereas on March 5, 1881, the General Assembly of North Carolina approved legislation allowing the Board of Justices of Chatham County to replace the existing architecturally unsound Chatham County courthouse with a new facility and provided the county with construction bonds of up to \$12,000;

Whereas Thomas B. Womack designed the plans for the Chatham County Courthouse, and J. Bynum and William Lord London of Pittsboro, North Carolina, were awarded the construction contract;

Whereas on September 1, 1881, members of Columbus Lodge 102 laid the cornerstone of the new courthouse in Pittsboro, and on July 4, 1882, the new courthouse was completed;

Whereas the Chatham County Courthouse is a three-story brick structure with a two-story classical portico topped by a distinguishing three-stage cupola;

Whereas county courthouses are focal points of justice and the rule of law in communities across the country, and the Chatham County Courthouse serves as the central landmark of Pittsboro and Chatham County;

Whereas the historic Chatham County Courthouse was partially destroyed by a tragic fire that broke out on March 25, 2010, at approximately 4:15 p.m.;

Whereas firefighters, led by Chatham County Fire Marshal Thomas Bender, courageously fought the blaze and protected surrounding buildings from damage;

Whereas government officials of the North Carolina Administrative Office of the Courts, Chatham County, and the town of Pittsboro have worked tirelessly to ensure the continuity of judicial operations in Chatham County and to develop a plan to restore the courthouse; and

Whereas the North Carolina court system, Chatham County, and the town of Pittsboro experienced a significant and tragic loss as a result of the March 25, 2010 fire: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses condolences to the North Carolina court system, Chatham County, and the town of Pittsboro for the tragic loss of the Chatham County Courthouse;

(2) commends the heroic actions of the Chatham County firefighters and first responders who worked tirelessly to combat the Courthouse fire, minimize the damage to the Courthouse and the historic materials contained therein, and protect the public;

(3) recognizes the community significance of the Courthouse as a cornerstone of justice and the rule of law in Chatham County; and

(4) recognizes the impact that more than a century of landmark court decisions has made on the judicial system of the Town of Pittsboro, Chatham County, and North Carolina.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gen-

tleman from Florida (Mr. ROONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, this resolution honors the Chatham County Courthouse in Pittsboro, North Carolina. This historic courthouse was recently destroyed by a fire on March 25, 2010. It took more than 100 courageous firefighters to put out the blaze.

The town of Pittsboro, population around 3,000, has many important historical attractions. These include numerous 19th century buildings, an old-fashioned soda shop on the main street, and a number of antique stores. And for over 100 years, Chatham County Courthouse stood in the middle of town.

The courthouse was originally built in 1881 and was restored in 1991 to its original appearance. Local residents regarded the courthouse as the heart of the county and as a symbol of their community.

This resolution expresses our condolences to the town of Pittsboro and all of Chatham County, North Carolina, for their loss of this historic and significant building, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

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

Mr. Speaker, I support House Resolution 1364. This resolution honors the historic and community significance of the Chatham County Courthouse and expresses condolences to Chatham County and the town of Pittsboro for the fire damage sustained by the courthouse on March 25, 2010.

The cornerstone of the Chatham County Courthouse was laid in 1881. The courthouse was completed in 1882. For nearly 130 years, justice and the rule of law preserved this three-story brick courthouse. It stood as the central landmark and community gathering-place for Pittsboro and Chatham County. It helped form the identity and independence of the people of Chatham County.

On March 25, 2010, the Chatham County Courthouse was partially destroyed by a tragic fire. Firefighters and emergency responders fought courageously to save the structure and the historic archives within it. They also protected the public and surrounding buildings from damage.