

104TH CONGRESS
2D SESSION

H. R. 3968

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

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1996

Mr. MOORHEAD (for himself and Mrs. SCHROEDER) 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 1996”.

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

Sec. 1. Short title; table of contents.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

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

TITLE II—JUDICIAL PROCESS IMPROVEMENTS



- Sec. 201. Duties of magistrate judge on emergency assignment.
- Sec. 202. Registration of judgments for enforcement in other districts.
- Sec. 203. Vacancy in clerk position; absence of clerk.
- Sec. 204. Bankruptcy Administrator Program.
- Sec. 205. Removal of cases against the United States and Federal officers or agencies.
- Sec. 206. Appeal route in civil cases decided by magistrate judges with consent.
- Sec. 207. Reports by judicial councils relating to misconduct and disability orders.

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

- Sec. 301. Senior judge certification.
- Sec. 302. Refund of contribution for deceased deferred annuitant under the Judicial Survivors' Annuities System.
- Sec. 303. Bankruptcy judges reappointment procedure.
- Sec. 304. Technical correction related to commencement date of temporary judgeships.
- Sec. 305. Full-time status of court reporters.
- Sec. 306. Court interpreters.
- Sec. 307. Technical amendment related to commencement date of temporary bankruptcy judgeships.
- Sec. 308. Contribution rate for senior judges under the Judicial Survivors' Annuities System.

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

- Sec. 401. Increase in civil action filing fee.
- Sec. 402. Interpreter performance examination fees.
- Sec. 403. Judicial panel on multidistrict litigation.
- Sec. 404. Disposition of fees.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

- Sec. 501. Parties' consent to bankruptcy judge's findings and conclusions of law.
- Sec. 502. Qualification of Chief Judge of Court of International Trade.

TITLE VI—PLACES OF HOLDING COURT

- Sec. 601. Place of holding court in the Southern District of New York.
- Sec. 602. Place of holding court in the Eastern District of Texas.

TITLE VII—MISCELLANEOUS

- Sec. 701. Participation in judicial governance activities by district, senior, and magistrate judges.
- Sec. 702. The Director and Deputy Director of the Administrative Office as officers of the United States.
- Sec. 703. Removal of action from State court.
- Sec. 704. Federal Judicial Center employee retirement provisions.
- Sec. 705. Abolition of the special court, Regional Rail Reorganization Act of 1973.
- Sec. 706. Exception of residency requirement for district judges appointed to the Southern District and Eastern District of New York.

Sec. 707. Civil justice expense and delay reduction plans.

Sec. 708. Extension of arbitration.

Sec. 709. Venue for territorial courts.

1 **TITLE I—CRIMINAL LAW AND**
2 **CRIMINAL JUSTICE AMEND-**
3 **MENTS**

4 **SEC. 101. NEW AUTHORITY FOR PROBATION AND PRETRIAL**
5 **SERVICES OFFICERS.**

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

8 (1) by striking out “and” at the end of para-
9 graph (8)(B);

10 (2) by redesignating paragraph (9) as para-
11 graph (10); and

12 (3) by inserting after paragraph (8) the follow-
13 ing new paragraph:

14 “(9) if approved by the court, be authorized to
15 carry firearms under such regulations as the Direc-
16 tor of the Administrative Office of the United States
17 Courts may prescribe; and”.

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

20 (1) by redesignating paragraph (13) as para-
21 graph (14); and

22 (2) by inserting after paragraph (12) the fol-
23 lowing new paragraph:

1 “(13) If approved by the court, be authorized to
2 carry firearms under such regulations as the Direc-
3 tor of the Administrative Office of the United States
4 Courts may prescribe.”.

5 **TITLE II—JUDICIAL PROCESS**
6 **IMPROVEMENTS**

7 **SEC. 201. DUTIES OF MAGISTRATE JUDGE ON EMERGENCY**
8 **ASSIGNMENT.**

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

12 **SEC. 202. REGISTRATION OF JUDGMENTS FOR ENFORCE-**
13 **MENT IN OTHER DISTRICTS.**

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

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

18 “**§ 1963. Registration of judgments for enforcement in**
19 **other districts**”;

20 (2) in the first sentence—

21 (A) by striking out “district court” and in-
22 serting in lieu thereof “court of appeals, district
23 court, or bankruptcy court”; and

1 (B) by striking out “such judgment” and
2 all that follows through “Trade,” and inserting
3 in lieu thereof “the judgment”; and

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

6 “The procedure prescribed under this section is in ad-
7 dition to other procedures provided by law for the enforce-
8 ment of judgments.”.

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

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

13 **SEC. 203. VACANCY IN CLERK POSITION; ABSENCE OF**
14 **CLERK.**

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

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

18 “When the office of clerk is vacant, the deputy clerks
19 shall perform the duties of the clerk in the name of the
20 last person who held that office. When the clerk is inca-
21 pacitated, absent, or otherwise unavailable to perform offi-
22 cial duties, the deputy clerks shall perform the duties of
23 the clerk in the name of the clerk. The court may des-
24 ignate a deputy clerk to act temporarily as clerk of the
25 court in his or her own name.”.

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

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

5 **SEC. 204. BANKRUPTCY ADMINISTRATOR PROGRAM.**

6 (a) APPOINTMENT OF TRUSTEES.—Until the amend-
7 ments made by subtitle A of title II of the Bankruptcy
8 Judges, United States Trustees, and Family Farmer
9 Bankruptcy Act of 1986 (28 U.S.C. 581 note; Public Law
10 99–554; 100 Stat. 3097) become effective in a judicial dis-
11 trict and apply to a case, a bankruptcy administrator ap-
12 pointed to serve in the district pursuant to section
13 302(d)(3)(I) of such Act, as amended by section 317(a)
14 of the Federal Courts Study Committee Implementation
15 Act of 1990 (Public Law 101–650; 104 Stat. 5115), shall
16 appoint the trustees, examiners, and standing trustees
17 notwithstanding the references in title 11, United States
18 Code, to appointments by the court.

19 (b) STANDING TRUSTEES.—A bankruptcy adminis-
20 trator who has appointed a standing trustee pursuant to
21 subsection (a) of this section in a judicial district shall
22 fix the standing trustee’s maximum annual compensation
23 and percentage fee, subject to the limitations set forth in
24 sections 1202 and 1302 of title 11, United States Code
25 (as in effect for that judicial district), as modified by sec-

1 tion 110 of the Federal Employee Pay Comparability Act
2 of 1990 (Public Law 101–509; 104 Stat. 1427, 1452).
3 The bankruptcy administrator shall fix the maximum an-
4 nual compensation and percentage fee notwithstanding the
5 references in such sections 1202 and 1302 to the court’s
6 fixing them.

7 (c) SERVICE AS TRUSTEE.—A bankruptcy adminis-
8 trator described in subsection (a) appointed to serve in
9 a judicial district may serve as and perform the duties of
10 a trustee in a case under chapter 7 of title 11, United
11 States Code (as such chapter is in effect for such district),
12 if none of the members of the panel of private trustees
13 is disinterested and willing to serve as trustee in the case.
14 Any such bankruptcy administrator may serve as and per-
15 form the duties of a trustee or standing trustee in cases
16 under chapter 12 or chapter 13 of title 11, United States
17 Code (as such chapters are in effect for such district), if
18 necessary.

19 (d) APPOINTMENT OF COMMITTEES.—Until the
20 amendments made by subtitle A of title II of the Bank-
21 ruptcy Judges, United States Trustees, and Family Farm-
22 er Bankruptcy Act of 1986 become effective in a judicial
23 district and apply to a case, the bankruptcy administrator
24 appointed to serve in the district shall appoint the commit-
25 tees of creditors and equity security holders provided in

1 section 1102 of title 11, United States Code (as in effect
2 for such district). The bankruptcy administrator shall ap-
3 point the committees notwithstanding the references in
4 such section 1102 to appointments by the court.

5 **SEC. 205. REMOVAL OF CASES AGAINST THE UNITED**
6 **STATES AND FEDERAL OFFICERS OR AGEN-**
7 **CIES.**

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

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

12 (2) in subsection (a)—

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

15 (B) in paragraph (1) by striking out “Any
16 officer of the United States or any agency
17 thereof, or person acting under him, for any act
18 under color of such office” and inserting in lieu
19 thereof “The United States or any agency
20 thereof or any officer (or any person acting
21 under that officer) of the United States or of
22 any agency thereof, sued in an official or indi-
23 vidual capacity for any act under color of such
24 office”.

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

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

5 **SEC. 206. APPEAL ROUTE IN CIVIL CASES DECIDED BY**
6 **MAGISTRATE JUDGES WITH CONSENT.**

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

9 (1) in subsection (c)—

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

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

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

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

20 **SEC. 207. REPORTS BY JUDICIAL COUNCILS RELATING TO**
21 **MISCONDUCT AND DISABILITY ORDERS.**

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

1 “(g) No later than January 31 of each year, each
2 judicial council shall submit a report to the Administrative
3 Office of the United States Courts on the number and na-
4 ture of orders entered under this section during the pre-
5 ceding calendar year that relate to judicial misconduct or
6 disability.”.

7 **TITLE III—JUDICIARY PERSON-**
8 **NEL ADMINISTRATION, BENE-**
9 **FITS, AND PROTECTIONS**

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

11 (a) RETROACTIVE CREDIT FOR RESUMPTION OF SIG-
12 NIFICANT WORKLOAD.—Section 371(f)(3) of title 28,
13 United States Code, is amended by striking out “is there-
14 after ineligible to receive such a certification.” and insert-
15 ing in lieu thereof “may thereafter receive a certification
16 for that year by satisfying the requirements of subpara-
17 graph (A), (B), (C), or (D) of paragraph (1) of this sub-
18 section in a subsequent year and attributing a sufficient
19 part of the work performed in such subsequent year to
20 the earlier year so that the work so attributed, when added
21 to the work performed during such earlier year, satisfies
22 the requirements for certification for that earlier year.
23 Notwithstanding the preceding sentence, a justice or judge
24 may not receive credit for the same work for purposes of
25 certification for more than 1 year.”.

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

10 **SEC. 302. REFUND OF CONTRIBUTION FOR DECEASED DE-**
 11 **FERRED ANNUITANT UNDER THE JUDICIAL**
 12 **SURVIVORS’ ANNUITIES SYSTEM.**

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

19 **SEC. 303. BANKRUPTCY JUDGES REAPPOINTMENT PROCE-**
 20 **DURE.**

21 Section 120 of the Bankruptcy Amendments and
 22 Federal Judgeship Act of 1984 (Public Law 98–353; 28
 23 U.S.C. 152 note), is amended—

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

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

5 (2) in subsection (b) by adding at the end
6 thereof the following: “All incumbent nominees seek-
7 ing reappointment thereafter may be considered for
8 such a reappointment, pursuant to a majority vote
9 of the judges of the appointing court of appeals,
10 under procedures authorized under subsection
11 (a)(3).”.

12 **SEC. 304. TECHNICAL CORRECTION RELATED TO COM-**
13 **MENCEMENT DATE OF TEMPORARY JUDGE-**
14 **SHIPS.**

15 Section 203(c) of the Judicial Improvements Act of
16 1990 (Public Law 101–650; 104 Stat. 5101; 28 U.S.C.
17 133 note) is amended by adding at the end thereof the
18 following: “For districts named in this subsection for
19 which multiple judgeships are created by this Act, the last
20 of those judgeships filled shall be the judgeship created
21 under this subsection.”.

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

23 Section 753(e) of title 28, United States Code, is
24 amended by inserting after the first sentence the follow-
25 ing: “For the purposes of subchapter III of chapter 83

1 of title 5 and chapter 84 of such title, a reporter shall
2 be considered a full-time employee during any pay period
3 for which a reporter receives a salary at the annual salary
4 rate fixed for a full-time reporter under the preceding sen-
5 tence.”.

6 **SEC. 306. COURT INTERPRETERS.**

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

10 “(1) Notwithstanding any other provision of this sec-
11 tion or section 1828, the presiding judicial officer may ap-
12 point a certified or otherwise qualified sign language inter-
13 preter to provide services to a party, witness, or other par-
14 ticipant in a judicial proceeding, whether or not the pro-
15 ceeding is instituted by the United States, if the presiding
16 judicial officer determines, on such officer’s own motion
17 or on the motion of a party or other participant in the
18 proceeding, that such individual suffers from a hearing
19 impairment. The presiding judicial officer shall, subject to
20 the availability of appropriated funds, approve the com-
21 pensation and expenses payable to sign language inter-
22 preters appointed under this subsection in accordance with
23 the schedule of fees prescribed by the Director under sub-
24 section (b)(3) of this section.”.

1 **SEC. 307. TECHNICAL AMENDMENT RELATED TO COM-**
2 **MENCEMENT DATE OF TEMPORARY BANK-**
3 **RUPTCY JUDGESHIPS.**

4 Section 3(b) of the Bankruptcy Judgeship Act of
5 1992 (Public Law 102–361; 106 Stat. 965; 28 U.S.C. 152
6 note) is amended in the first sentence by striking out
7 “date of the enactment of this Act” and inserting in lieu
8 thereof “appointment date of the judge named to fill the
9 temporary judgeship position”.

10 **SEC. 308. CONTRIBUTION RATE FOR SENIOR JUDGES**
11 **UNDER THE JUDICIAL SURVIVORS’ ANNU-**
12 **ITIES SYSTEM.**

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

15 “(b)(1) Every judicial official who files a written noti-
16 fication of his or her intention to come within the purview
17 of this section, in accordance with paragraph (1) of sub-
18 section (a) of this section, shall be deemed thereby to con-
19 sent and agree to having deducted and withheld from his
20 or her salary a sum equal to 2.2 percent of that salary,
21 and a sum equal to 3.5 percent of his or her retirement
22 salary. The deduction from any retirement salary—

23 “(A) of a justice or judge of the United States
24 retired from regular active service under section
25 371(b) or section 372(a) of this title,

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

4 “(C) of a judicial official on recall under section
5 155(b), 373(c)(4), 375, or 636(h) of this title,
6 shall be an amount equal to 2.2 percent of retirement sal-
7 ary.”.

8 **TITLE IV—JUDICIAL FINANCIAL** 9 **ADMINISTRATION**

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

11 (a) **FILING FEE INCREASE.**—Section 1914(a) of title
12 28, United States Code, is amended by striking out
13 “\$120” and inserting in lieu thereof “\$150”.

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

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

18 (2) in subsection (b)—

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

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

23 (c) **EFFECTIVE DATE.**—This section shall take effect
24 60 days after the date of the enactment of this Act.

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

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

7 “(5) If the Director of the Administrative Office of
8 the United States Courts finds it necessary to develop and
9 administer criterion-referenced performance examinations
10 for purposes of certification of interpreters, or other ex-
11 aminations for the selection of otherwise qualified inter-
12 preters, the Director may prescribe for each examination
13 a uniform fee for applicants to take such examination. In
14 determining the rate of the fee for each examination, the
15 Director shall consider the fees charged by other organiza-
16 tions for examinations that are similar in scope or nature.
17 Notwithstanding section 3302(b) of title 31, the Director
18 is authorized to provide in any contract or agreement for
19 the development or administration of examinations and
20 the collection of fees that the contractor may retain all
21 or a portion of the fees in payment for the services. Not-
22 withstanding paragraph (6) of this subsection, all fees col-
23 lected after the effective date of this paragraph and not
24 retained by a contractor shall be deposited in the fund
25 established under section 1931 of this title and shall re-
26 main available until expended.”.

1 (b) PAYMENT FOR CONTRACTUAL SERVICES.—Not-
2 withstanding sections 3302(b), 1341, and 1517 of title 31,
3 United States Code, the Director of the Administrative Of-
4 fice of the United States Courts may include in any con-
5 tract for the development or administration of examina-
6 tions for interpreters (including such a contract entered
7 into before the date of the enactment of this Act) a provi-
8 sion which permits the contractor to collect and retain fees
9 in payment for contractual services in accordance with sec-
10 tion 1827(g)(5) of title 28, United States Code.

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

12 (a) IN GENERAL.—(1) Chapter 123 of title 28,
13 United States Code, is amended by adding after section
14 1931 the following new section:

15 **“§ 1932. Judicial Panel on Multidistrict Litigation**

16 “The Judicial Conference of the United States shall
17 prescribe from time to time the fees and costs to be
18 charged and collected by the Judicial Panel on Multidis-
19 trict Litigation.”.

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

“1932. Judicial Panel on Multidistrict Litigation.”.

23 (b) RELATED FEES FOR ACCESS TO INFORMA-
24 TION.—Section 303(a) of the Judiciary Appropriations
25 Act, 1992 (Public Law 102–140; 105 Stat. 810; 28 U.S.C.

1 1913 note) is amended in the first sentence by striking
2 out “1926, and 1930” and inserting in lieu thereof “1926,
3 1930, and 1932”.

4 **SEC. 404. DISPOSITION OF FEES.**

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

19 (b) DISPOSITION OF BANKRUPTCY COMPLAINT FIL-
20 ING FEES.—For each fee collected for filing an adversary
21 complaint in a bankruptcy proceeding, as established in
22 Item 6 of the Bankruptcy Court Miscellaneous Fee Sched-
23 ule prescribed by the Judicial Conference of the United
24 States pursuant to section 1930(b) of title 28, United
25 States Code, the portion of the fee exceeding \$120 shall

1 be deposited into the special fund of the Treasury estab-
2 lished under section 1931 of title 28, United States Code.

3 (c) EFFECTIVE DATE.—This section shall take effect
4 60 days after the date of the enactment of this Act.

5 **TITLE V—FEDERAL COURTS**
6 **STUDY COMMITTEE REC-**
7 **COMMENDATIONS**

8 **SEC. 501. PARTIES' CONSENT TO BANKRUPTCY JUDGE'S**
9 **FINDINGS AND CONCLUSIONS OF LAW.**

10 Section 157(c)(1) of title 28, United States Code, is
11 amended to read as follows:

12 “(c)(1) A bankruptcy judge may hear a proceeding
13 that is not a core proceeding but that is otherwise related
14 to a case under title 11. In such proceeding, the bank-
15 ruptcy judge shall submit proposed findings of fact and
16 conclusions of law to the district court, and any final order
17 or judgment shall be entered by the district judge after
18 considering the bankruptcy judge’s proposed findings and
19 conclusions and after reviewing de novo those matters to
20 which any party has timely and specifically objected. A
21 party shall be deemed to consent to the findings of fact
22 and conclusions of law submitted by a bankruptcy judge
23 unless the party files a timely objection. If a timely objec-
24 tion is not filed, the proposed findings of fact and conclu-
25 sions of law submitted by the bankruptcy judge shall be-

1 come final and the bankruptcy judge shall enter an appro-
2 priate order thereon.”.

3 **SEC. 502. QUALIFICATION OF CHIEF JUDGE OF COURT OF**
4 **INTERNATIONAL TRADE.**

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

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

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

12 “(A) are 64 years of age or under;

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

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

16 “(2)(A) In any case in which no judge of the court
17 meets the qualifications under paragraph (1), the young-
18 est judge in regular active service who is 65 years of age
19 or over and who has served as a judge of the court for
20 1 year or more shall act as the chief judge.

21 “(B) In any case under subparagraph (A) in which
22 there is no judge of the court in regular active service who
23 has served as a judge of the court for 1 year or more,
24 the judge of the court in regular active service who is sen-

1 ior in commission and who has not served previously as
2 chief judge shall act as the chief judge.

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

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

12 “(C) No judge of the court may serve or act as chief
13 judge of the court after attaining the age of 70 years un-
14 less no other judge is qualified to serve as chief judge
15 under paragraph (1) or is qualified to act as chief judge
16 under paragraph (2).

17 “(b) The chief judge shall have precedence and pre-
18 side at any session of the court which such judge attends.
19 Other judges of the court shall have precedence and pre-
20 side according to the seniority of their commissions.
21 Judges whose commissions bear the same date shall have
22 precedence according to seniority in age.

23 “(c) If the chief judge desires to be relieved of the
24 duties as chief judge while retaining active status as a
25 judge of the court, the chief judge may so certify to the

1 Chief Justice of the United States, and thereafter the
2 chief judge of the court shall be such other judge of the
3 court who is qualified to serve or act as chief judge under
4 subsection (a).

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

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

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

13 (2) in section 253—

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

16 “§ 253. Duties of chief judge”;

17 and

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

19 and

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

22 (A) by amending the item relating to sec-
23 tion 253 to read as follows:

“253. Duties of chief judge.”;

24 and

1 (B) by adding at the end thereof the fol-
2 lowing:

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

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

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

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

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

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

17 (2) When the chief judge vacates the position of chief
18 judge under paragraph (1), the position of chief judge of
19 the Court of International Trade shall be filled in accord-
20 ance with section 258(a) of title 28, United States Code.

1 **TITLE VI—PLACES OF HOLDING**
2 **COURT**

3 **SEC. 601. PLACE OF HOLDING COURT IN THE SOUTHERN**
4 **DISTRICT OF NEW YORK.**

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

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

11 **SEC. 602. PLACE OF HOLDING COURT IN THE EASTERN DIS-**
12 **TRICT OF TEXAS.**

13 (a) The second sentence of section 124(c)(3) of title
14 28, United States Code, is amended by inserting “and
15 Plano” after “held at Sherman”.

16 (b) Sections 83(b)(1) and 124(c)(6) of title 28,
17 United States Code, are each amended in the last sentence
18 by inserting before the period the following: “, and may
19 be held anywhere within the Federal courthouse in Tex-
20 arkana that is located astride the State line between Texas
21 and Arkansas”.

1 **TITLE VII—MISCELLANEOUS**

2 **SEC. 701. PARTICIPATION IN JUDICIAL GOVERNANCE AC-**
3 **TIVITIES BY DISTRICT, SENIOR, AND MAG-**
4 **ISTRATE JUDGES.**

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

9 “The district judge to be summoned from each judi-
10 cial circuit shall be chosen by the circuit and district
11 judges of the circuit and shall serve as a member of the
12 Judicial Conference of the United States for a term of
13 not less than 3 successive years nor more than 5 succes-
14 sive years, as established by majority vote of all circuit
15 and district judges of the circuit. A district judge serving
16 as a member of the Judicial Conference may be either a
17 judge in regular active service or a judge retired from reg-
18 ular active service under section 371(b) of this title.”.

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

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

23 “(2) two circuit judges, three district judges,
24 one bankruptcy judge, and one magistrate judge,
25 elected by vote of the members of the Judicial Con-

1 ference of the United States, except that any circuit
2 or district judge so elected may be either a judge in
3 regular active service or a judge retired from regular
4 active service under section 371(b) of this title but
5 shall not be a member of the Judicial Conference of
6 the United States; and”;

7 (2) in subsection (b) by striking out “retire-
8 ment,” and inserting in lieu thereof “retirement pur-
9 suant to section 371(a) or section 372(a) of this
10 title.”.

11 **SEC. 702. THE DIRECTOR AND DEPUTY DIRECTOR OF THE**
12 **ADMINISTRATIVE OFFICE AS OFFICERS OF**
13 **THE UNITED STATES.**

14 Section 701 of title 28, United States Code, is
15 amended by adding at the end thereof the following: “The
16 Director and Deputy Director shall be deemed to be offi-
17 cers for purposes of title 5, United States Code.”.

18 **SEC. 703. REMOVAL OF ACTION FROM STATE COURT.**

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

22 **SEC. 704. FEDERAL JUDICIAL CENTER EMPLOYEE RETIRE-**
23 **MENT PROVISIONS.**

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

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

3 (2) in the first sentence by inserting “chapter
4 84 (relating to the Federal Employees’ Retirement
5 System),” after “(relating to civil service retire-
6 ment),”.

7 **SEC. 705. ABOLITION OF THE SPECIAL COURT, REGIONAL**
8 **RAIL REORGANIZATION ACT OF 1973.**

9 (a) ABOLITION OF THE SPECIAL COURT.—Section
10 209 of the Regional Rail Reorganization Act of 1973 (45
11 U.S.C. 719) is amended in subsection (b)—

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

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

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

1 to the United States District Court for the District of Co-
2 lumbia:

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

5 “(B) Sections 202 (d)(3), (g), 207 (a)(1),
6 (b)(1), (b)(2), 208(d)(2), 301 (e)(2), (g), (k)(3),
7 (k)(15), 303 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1),
8 (c)(2), (c)(3), (c)(4), (c)(5), 304 (a)(1)(B), (i)(3),
9 305 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8),
10 (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 306
11 (a), (b), (c)(4), and 601 (b)(3), (c) of this Act (45
12 U.S.C. 712 (d)(3), (g), 717 (a)(1), (b)(1), (b)(2),
13 718(d)(2), 741 (e)(2), (g), (k)(3), (k)(15), 743
14 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2),
15 (c)(3), (c)(4), (c)(5), 744 (a)(1)(B), (i)(3), 745 (c),
16 (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e),
17 (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 746 (a),
18 (b), (c)(4), 791 (b)(3), (c)).

19 “(C) Sections 1152(a) and 1167(b) of the
20 Northeast Rail Service Act of 1981 (45 U.S.C.
21 1105(a), 1115(a)).

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

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

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

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

13 “(3) An order or judgment of the United States Dis-
14 trict Court for the District of Columbia in any action re-
15 ferred to in this section shall be reviewable in accordance
16 with sections 1291, 1292, and 1294 of title 28, United
17 States Code.”.

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

21 “(d) APPEAL.—An order or judgment entered by the
22 United States District Court for the District of Columbia
23 pursuant to subsection (c) of this section or section 306
24 shall be reviewable in accordance with sections 1291,
25 1292, and 1294 of title 28, United States Code.”.

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

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

9 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

10 (1) Section 209 of the Regional Rail Reorganization Act
11 of 1973 (45 U.S.C. 719) is amended—

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

15 (B) by striking out subsection (h).

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

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

24 “(8) ‘Special court’ means the judicial panel es-
25 tablished under section 209(b)(1) of the Regional

1 Rail Reorganization Act of 1973 (45 U.S.C.
2 719(b)(1)) or, with respect to any proceedings that
3 arise or continue after the panel is abolished pursu-
4 ant to section 209(b)(2) of such Act, the United
5 States District Court for the District of Columbia.”.

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

9 (d) PENDING CASES.—Effective 90 days after the
10 date of the enactment of this Act, any case pending in
11 the special court established under section 209(b) of the
12 Regional Rail Reorganization Act of 1973 (45 U.S.C.
13 719(b)) shall be assigned to the United States District
14 Court for the District of Columbia as though the case had
15 originally been filed in that court. The amendments made
16 by subsection (b) of this section shall not apply to any
17 final order or judgment entered by the special court for
18 which—

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

22 (2) the time for filing a petition for writ of cer-
23 tiorari has not expired before that date.

24 (e) EFFECTIVE DATE.—The amendments made by
25 subsections (b) and (c) of this section shall take effect 90

1 days after the date of the enactment of this Act and, ex-
2 cept as provided in subsection (d), shall apply with respect
3 to proceedings that arise or continue on or after such ef-
4 fective date.

5 **SEC. 706. EXCEPTION OF RESIDENCY REQUIREMENT FOR**
6 **DISTRICT JUDGES APPOINTED TO THE**
7 **SOUTHERN DISTRICT AND EASTERN DIS-**
8 **TRICT OF NEW YORK.**

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

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

14 (2) by inserting “or she” after “he”; and

15 (3) by inserting at the end the following: “Each
16 district judge of the Southern District of New York
17 and the Eastern District of New York may reside
18 within 20 miles of the district for which he or she
19 is appointed.”.

20 **SEC. 707. CIVIL JUSTICE EXPENSE AND DELAY REDUCTION**
21 **PLANS.**

22 (a) **AUTHORIZATION OF ARBITRATION.**—Section
23 473(a)(6)(B) of title 28, United States Code, is amended
24 by inserting “arbitration,” before “mediation”.

1 (b) REPORT ON DEMONSTRATION PROGRAM.—Sec-
2 tion 104(d) of the Civil Justice Reform Act of 1990 (28
3 U.S.C. 471 note) is amended by striking out “December
4 31, 1996,” and inserting in lieu thereof “June 30, 1997.”.

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

9 **SEC. 708. EXTENSION OF ARBITRATION.**

10 Section 905 of the Judicial Improvements and Access
11 to Justice Act (28 U.S.C. 651 note) is amended in the
12 first sentence by striking out “1997” and inserting in lieu
13 thereof “1998”.

14 **SEC. 709. VENUE FOR TERRITORIAL COURTS.**

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

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

22 (b) CURE OR WAIVER OF DEFECTS.—Section
23 1406(c) of title 28, United States Code, is amended to
24 read as follows:

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

6 (c) APPLICABILITY.—The amendments made by this
7 section apply to cases pending on the date of the enact-
8 ment of this Act and to cases commenced on or after such
9 date.

○