

Union Calendar No. 435

104TH CONGRESS
2^D SESSION

H. R. 3968

[Report No. 104-798]

A BILL

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

SEPTEMBER 17, 1996

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

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IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1996

Mr. MOORHEAD (for himself and Mrs. SCHROEDER) introduced the following bill; which was referred to the Committee on the Judiciary

SEPTEMBER 17, 1996

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

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

[For text of introduced bill, see copy of bill as introduced on August 2, 1996]

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”.*

1 **(b) TABLE OF CONTENTS.**—*The table of contents of this*
 2 *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. Removal of cases against the United States and Federal officers or agencies.

Sec. 205. Appeal route in civil cases decided by magistrate judges with consent.

Sec. 206. Reports by judicial councils relating to misconduct and disability orders.

Sec. 207. Consent to trial in certain criminal actions.

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

Sec. 301. Refund of contribution for deceased deferred annuitant under the Judicial Survivors' Annuities System.

Sec. 302. Bankruptcy judges reappointment procedure.

Sec. 303. Technical correction related to commencement date of temporary judgeships.

Sec. 304. Full-time status of court reporters.

Sec. 305. Court interpreters.

Sec. 306. Technical amendment related to commencement date of temporary bankruptcy judgeships.

Sec. 307. Contribution rate for senior judges under the Judicial Survivors' Annuities System.

Sec. 308. Proceedings on complaints against judicial conduct.

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. 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. *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 Director*
 16 *of the Administrative Office of the United States*
 17 *Courts may prescribe; and”.*

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

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

3 (2) by inserting after paragraph (12) the follow-
4 ing new paragraph:

5 “(13) If approved by the court, be authorized to
6 carry firearms under such regulations as the Director
7 of the Administrative Office of the United States
8 Courts may prescribe.”.

9 **TITLE II—JUDICIAL PROCESS**
10 **IMPROVEMENTS**

11 **SEC. 201. DUTIES OF MAGISTRATE JUDGE ON EMERGENCY**
12 **ASSIGNMENT.**

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

16 **SEC. 202. REGISTRATION OF JUDGMENTS FOR ENFORCE-**
17 **MENT IN OTHER DISTRICTS.**

18 *(a) IN GENERAL.—Section 1963 of title 28, United*
19 *States Code, is amended—*

20 (1) by amending the section heading to read as
21 follows:

22 **“§ 1963. Registration of judgments for enforcement in**
23 **other districts”;**

24 (2) in the first sentence—

1 *clerk to act temporarily as clerk of the court in his or her*
2 *own name.”.*

3 (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*
4 *table of sections for chapter 57 of title 28, United States*
5 *Code, relating to section 954 is amended to read as follows:*
“954. Vacancy in clerk position; absence of clerk.”.

6 **SEC. 204. REMOVAL OF CASES AGAINST THE UNITED**
7 **STATES AND FEDERAL OFFICERS OR AGEN-**
8 **CIES.**

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

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

13 (2) *in subsection (a)—*

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

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

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

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

5 **SEC. 205. APPEAL ROUTE IN CIVIL CASES DECIDED BY MAG-**
 6 **ISTRATE JUDGES WITH CONSENT.**

7 Section 636 of title 28, United States Code, is amend-
 8 *ed—*

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 (5);*
 14 *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. 206. REPORTS BY JUDICIAL COUNCILS RELATING TO**
 21 **MISCONDUCT AND DISABILITY ORDERS.**

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

24 “(g) *No later than January 31 of each year, each judi-*
 25 *cial council shall submit a report to the Administrative Of-*

1 *fice of the United States Courts on the number and nature*
2 *of orders entered under this section during the preceding*
3 *calendar year that relate to judicial misconduct or disabil-*
4 *ity.”.*

5 **SEC. 207. CONSENT TO TRIAL IN CERTAIN CRIMINAL AC-**
6 **TIONS.**

7 *(a) AMENDMENTS TO TITLE 18.—(1) Section 3401(b)*
8 *of title 18, United States Code, is amended—*

9 *(A) in the first sentence by inserting “, other*
10 *than a petty offense that is a class B misdemeanor*
11 *charging a motor vehicle offense, a class C mis-*
12 *demeanor, or an infraction,” after “misdemeanor”;*

13 *(B) in the second sentence by inserting “judge”*
14 *after “magistrate” each place it appears;*

15 *(C) by striking out the third sentence and insert-*
16 *ing in lieu thereof the following: “The magistrate*
17 *judge may not proceed to try the case unless the de-*
18 *fendant, after such explanation, expressly consents to*
19 *be tried before the magistrate judge and expressly and*
20 *specifically waives trial, judgment, and sentencing by*
21 *a district judge. Any such consent and waiver shall*
22 *be made in writing or orally on the record.”; and*

23 *(D) by striking out “judge of the district court”*
24 *each place it appears and inserting in lieu thereof*
25 *“district judge”.*

1 (2) *Section 3401(g) of title 18, United States Code, is*
2 *amended by striking out the first sentence and inserting*
3 *in lieu thereof the following: “The magistrate judge may,*
4 *in a petty offense case involving a juvenile, that is a class*
5 *B misdemeanor charging a motor vehicle offense, a class*
6 *C misdemeanor, or an infraction, exercise all powers grant-*
7 *ed to the district court under chapter 403 of this title. The*
8 *magistrate judge may, in any other class B or C mis-*
9 *demeanor case involving a juvenile in which consent to trial*
10 *before a magistrate judge has been filed under subsection*
11 *(b), exercise all powers granted to the district court under*
12 *chapter 403 of this title.”.*

13 (b) *AMENDMENTS TO TITLE 28.—Section 636(a) of*
14 *title 28, United States Code, is amended—*

15 (1) *by striking out “, and” at the end of para-*
16 *graph (3) and inserting in lieu thereof a semicolon;*
17 *and*

18 (2) *by striking out paragraph (4) and inserting*
19 *the following:*

20 *“(4) the power to enter a sentence for a petty of-*
21 *fense that is a class B misdemeanor charging a motor*
22 *vehicle offense, a class C misdemeanor, or an infrac-*
23 *tion; and*

24 *“(5) the power to enter a sentence for a class A*
25 *misdemeanor, or a class B or C misdemeanor not cov-*

1 (2) in subsection (b) by adding at the end thereof
2 the following: “All incumbent nominees seeking re-
3 appointment thereafter may be considered for such a
4 reappointment, pursuant to a majority vote of the
5 judges of the appointing court of appeals, under pro-
6 cedures authorized under subsection (a)(3).”.

7 **SEC. 303. TECHNICAL CORRECTION RELATED TO COM-**
8 **MENCEMENT DATE OF TEMPORARY JUDGE-**
9 **SHIPS.**

10 Section 203(c) of the Judicial Improvements Act of
11 1990 (Public Law 101–650; 104 Stat. 5101; 28 U.S.C. 133
12 note) is amended by adding at the end thereof the following:
13 “For districts named in this subsection for which multiple
14 judgeships are created by this Act, the last of those judge-
15 ships filled shall be the judgeship created under this sub-
16 section.”.

17 **SEC. 304. FULL-TIME STATUS OF COURT REPORTERS.**

18 Section 753(e) of title 28, United States Code, is
19 amended by inserting after the first sentence the following:
20 “For the purposes of subchapter III of chapter 83 of title
21 5 and chapter 84 of such title, a reporter shall be considered
22 a full-time employee during any pay period for which a
23 reporter receives a salary at the annual salary rate fixed
24 for a full-time reporter under the preceding sentence.”.

1 **SEC. 305. COURT INTERPRETERS.**

2 *Section 1827 of title 28, United States Code, is amend-*
3 *ed by adding at the end thereof the following new subsection:*

4 *“(l) Notwithstanding any other provision of this sec-*
5 *tion or section 1828, the presiding judicial officer may ap-*
6 *point a certified or otherwise qualified sign language inter-*
7 *preter to provide services to a party, witness, or other par-*
8 *ticipant in a judicial proceeding, whether or not the pro-*
9 *ceeding is instituted by the United States, if the presiding*
10 *judicial officer determines, on such officer’s own motion or*
11 *on the motion of a party or other participant in the pro-*
12 *ceeding, that such individual suffers from a hearing im-*
13 *pairment. The presiding judicial officer shall, subject to the*
14 *availability of appropriated funds, approve the compensa-*
15 *tion and expenses payable to sign language interpreters ap-*
16 *pointed under this subsection in accordance with the sched-*
17 *ule of fees prescribed by the Director under subsection (b)(3)*
18 *of this section.”.*

19 **SEC. 306. TECHNICAL AMENDMENT RELATED TO COM-**
20 **MENCEMENT DATE OF TEMPORARY BANK-**
21 **RUPTCY JUDGESHIPS.**

22 *Section 3(b) of the Bankruptcy Judgeship Act of 1992*
23 *(Public Law 102–361; 106 Stat. 965; 28 U.S.C. 152 note)*
24 *is amended in the first sentence by striking out “date of*
25 *the enactment of this Act” and inserting in lieu thereof “ap-*

1 *pointment date of the judge named to fill the temporary*
2 *judgeship position”.*

3 **SEC. 307. CONTRIBUTION RATE FOR SENIOR JUDGES**
4 **UNDER THE JUDICIAL SURVIVORS’ ANNU-**
5 **ITIES SYSTEM.**

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

8 *“(b)(1) Every judicial official who files a written noti-*
9 *fication of his or her intention to come within the purview*
10 *of this section, in accordance with paragraph (1) of sub-*
11 *section (a) of this section, shall be deemed thereby to consent*
12 *and agree to having deducted and withheld from his or her*
13 *salary a sum equal to 2.2 percent of that salary, and a*
14 *sum equal to 3.5 percent of his or her retirement salary.*
15 *The deduction from any retirement salary—*

16 *“(A) of a justice or judge of the United States re-*
17 *tired from regular active service under section 371(b)*
18 *or section 372(a) of this title,*

19 *“(B) of a judge of the United States Court of*
20 *Federal Claims retired under section 178 of this title,*
21 *or*

22 *“(C) of a judicial official on recall under section*
23 *155(b), 373(c)(4), 375, or 636(h) of this title,*
24 *shall be an amount equal to 2.2 percent of retirement sal-*
25 *ary.”.*

1 **SEC. 308. PROCEEDINGS ON COMPLAINTS AGAINST JUDI-**
2 **CIAL CONDUCT.**

3 (a) *IN GENERAL.*—Section 372(c) of title 28, United
4 States Code, is amended—

5 (1) in paragraph (1)—

6 (A) by inserting “(A)” after “(c)(1)”; and

7 (B) by adding at the end the following: “In
8 the case of a complaint so identified, the chief
9 judge shall notify the clerk of the court of appeals
10 of the complaint, together with a brief statement
11 of the facts underlying the complaint.

12 “(B) Complaints filed under subparagraph (A) in one
13 judicial circuit shall be referred to another judicial circuit
14 for proceedings under this subsection, in accordance with
15 a system established by rule by the Judicial Conference,
16 which prescribes the circuits to which the complaints will
17 be referred. The Judicial Conference shall establish and sub-
18 mit to the Congress the system described in the preceding
19 sentence not later than 180 days after the date of the enact-
20 ment of this subparagraph.”;

21 (2) in paragraph (2)—

22 (A) by amending the first sentence to read
23 as follows: “Upon receipt of a complaint filed or
24 notice of a complaint identified under paragraph
25 (1) of this subsection, the clerk shall promptly
26 transmit such complaint or (in the case of a

1 *complaint identified under paragraph (1)) the*
2 *statement of facts underlying the complaint to*
3 *the chief judge of the circuit assigned to conduct*
4 *proceedings on the complaint in accordance with*
5 *the system established under paragraph (1)(B)*
6 *(hereafter in this subsection referred to as the*
7 *‘chief judge’).’; and*

8 *(B) in the second sentence by inserting “or*
9 *statement of facts underlying the complaint (as*
10 *the case may be)” after “copy of the complaint”;*

11 *(3) in paragraph (4)(A) by inserting “(to which*
12 *the complaint or statement of facts underlying the*
13 *complaint is referred)” after “the circuit”;*

14 *(4) in paragraph (5)—*

15 *(A) in the first sentence by inserting “to*
16 *which the complaint or statement of facts under-*
17 *lying the complaint is referred” after “the cir-*
18 *cuit”;* and

19 *(B) in the second sentence by striking “the*
20 *circuit” and inserting “that circuit”;*

21 *(5) in the first sentence of paragraph (15) by in-*
22 *serting before the period at the end the following: “in*
23 *which the complaint was filed or identified under*
24 *paragraph (1)”;* and

1 (6) by amending paragraph (18) to read as fol-
2 lows:

3 “(18) *The Judicial Conference shall prescribe rules,*
4 *consistent with the preceding provisions of this subsection—*

5 “(A) *establishing procedures for the filing of*
6 *complaints with respect to the conduct of any judge*
7 *of the United States Court of Federal Claims, the*
8 *Court of International Trade, or the Court of Appeals*
9 *for the Federal Circuit, and for the investigation and*
10 *resolution of such complaints; and*

11 “(B) *establishing a system for referring com-*
12 *plaints filed with respect to the conduct of a judge of*
13 *any such court to any of the first eleven judicial cir-*
14 *cuits or to another court for investigation and resolu-*
15 *tion.*

16 *The Judicial Conference shall establish and submit to the*
17 *Congress the system described in subparagraph (B) not*
18 *later than 180 days after the date of the enactment of the*
19 *Federal Courts Improvement Act of 1996.”.*

20 (b) *EFFECTIVE DATE.*—*The amendments made by this*
21 *section apply to complaints filed on or after the 180th day*
22 *after the date of the enactment of this Act.*

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

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

4 (a) *FILING FEE INCREASE.*—Section 1914(a) of title
5 28, United States Code, is amended by striking out “\$120”
6 and inserting in lieu thereof “\$150”.

7 (b) *DISPOSITION OF INCREASE.*—Section 1931 of title
8 28, United States Code, is amended—

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

11 (2) in subsection (b)—

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

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

16 (c) *EFFECTIVE DATE.*—This section shall take effect
17 60 days after the date of the enactment of this Act.

18 **SEC. 402. INTERPRETER PERFORMANCE EXAMINATION**
19 **FEES.**

20 (a) *IN GENERAL.*—Section 1827(g) of title 28, United
21 States Code, is amended by redesignating paragraph (5) as
22 paragraph (6) and inserting after paragraph (4) the follow-
23 ing new paragraph:

24 “(5) If the Director of the Administrative Office of the
25 United States Courts finds it necessary to develop and ad-

1 *minister criterion-referenced performance examinations for*
2 *purposes of certification of interpreters, or other examina-*
3 *tions for the selection of otherwise qualified interpreters, the*
4 *Director may prescribe for each examination a uniform fee*
5 *for applicants to take such examination. In determining the*
6 *rate of the fee for each examination, the Director shall con-*
7 *sider the fees charged by other organizations for examina-*
8 *tions that are similar in scope or nature. Notwithstanding*
9 *section 3302(b) of title 31, the Director is authorized to pro-*
10 *vide in any contract or agreement for the development or*
11 *administration of examinations and the collection of fees*
12 *that the contractor may retain all or a portion of the fees*
13 *in payment for the services. Notwithstanding paragraph (6)*
14 *of this subsection, all fees collected after the effective date*
15 *of this paragraph and not retained by a contractor shall*
16 *be deposited in the fund established under section 1931 of*
17 *this title and shall remain available until expended.”.*

18 **(b) PAYMENT FOR CONTRACTUAL SERVICES.**—*Not-*
19 *withstanding sections 3302(b), 1341, and 1517 of title 31,*
20 *United States Code, the Director of the Administrative Of-*
21 *fice of the United States Courts may include in any con-*
22 *tract for the development or administration of examina-*
23 *tions for interpreters (including such a contract entered*
24 *into before the date of the enactment of this Act) a provision*
25 *which permits the contractor to collect and retain fees in*

1 *payment for contractual services in accordance with section*
 2 *1827(g)(5) of title 28, United States Code.*

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

4 *(a) IN GENERAL.—(1) Chapter 123 of title 28, United*
 5 *States Code, is amended by adding after section 1932 the*
 6 *following new section:*

7 **“§ 1933. Judicial Panel on Multidistrict Litigation**

8 *“The Judicial Conference of the United States shall*
 9 *prescribe from time to time the fees and costs to be charged*
 10 *and collected by the Judicial Panel on Multidistrict Litiga-*
 11 *tion.”.*

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

“1933. Judicial Panel on Multidistrict Litigation.”.

15 *(b) RELATED FEES FOR ACCESS TO INFORMATION.—*
 16 *Section 303(a) of the Judiciary Appropriations Act, 1992*
 17 *(Public Law 102–140; 105 Stat. 810; 28 U.S.C. 1913 note)*
 18 *is amended in the first sentence by striking out “1926, and*
 19 *1930” and inserting in lieu thereof “1926, 1930, and 1932”.*

20 **SEC. 404. DISPOSITION OF FEES.**

21 *(a) DISPOSITION OF ATTORNEY ADMISSION FEES.—*
 22 *For each fee collected for admission of an attorney to prac-*
 23 *tice, as prescribed by the Judicial Conference of the United*
 24 *States pursuant to section 1914 of title 28, United States*
 25 *Code, \$30 of that portion of the fee exceeding \$20 shall be*

1 *deposited into the special fund of the Treasury established*
2 *under section 1931 of title 28, United States Code. Any por-*
3 *tion exceeding \$5 of the fee for a duplicate certificate of*
4 *admission or certificate of good standing, as prescribed by*
5 *the Judicial Conference of the United States pursuant to*
6 *section 1914 of title 28, United States Code, shall be depos-*
7 *ited into the special fund of the Treasury established under*
8 *section 1931 of title 28, United States Code.*

9 **(b) DISPOSITION OF BANKRUPTCY COMPLAINT FILING**
10 *FEES.—For each fee collected for filing an adversary com-*
11 *plaint in a bankruptcy proceeding, as established in Item*
12 *6 of the Bankruptcy Court Miscellaneous Fee Schedule pre-*
13 *scribed by the Judicial Conference of the United States pur-*
14 *suant to section 1930(b) of title 28, United States Code,*
15 *the portion of the fee exceeding \$120 shall be deposited into*
16 *the special fund of the Treasury established under section*
17 *1931 of title 28, United States Code.*

18 **(c) EFFECTIVE DATE.—This section shall take effect**
19 *60 days after the date of the enactment of this Act.*

1 **TITLE V—FEDERAL COURTS**
2 **STUDY COMMITTEE REC-**
3 **COMMENDATIONS**

4 **SEC. 501. QUALIFICATION OF CHIEF JUDGE OF COURT OF**
5 **INTERNATIONAL TRADE.**

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

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

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

13 “(A) *are 64 years of age or under;*

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

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

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

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

1 *in commission and who has not served previously as chief*
2 *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 for*
5 *a term of 7 years and shall serve after expiration of such*
6 *term until another judge is eligible under paragraph (1)*
7 *to serve as chief judge.*

8 “(B) *Except as provided under subparagraph (C), a*
9 *judge of the court acting as chief judge under subparagraph*
10 *(A) or (B) of paragraph (2) shall serve until a judge meets*
11 *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 unless*
14 *no other judge is qualified to serve as chief judge under*
15 *paragraph (1) or is qualified to act as chief judge under*
16 *paragraph (2).*

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

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

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

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

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

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

12 (2) *in section 253—*

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

15 **“§253. Duties of chief judge”;**

16 *and*

17 (B) *by striking out subsections (d) and (e);*

18 *and*

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

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

 “253. *Duties of chief judge.*”;

23 *and*

1 (B) by adding at the end thereof the follow-
2 ing:

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

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

10 (A) *The chief judge is relieved of his duties under*
11 *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 New*
8 *York, White Plains, and in the Middletown-Wallkill*
9 *area of Orange County or such nearby location as*
10 *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 28,*
14 *United States Code, is amended by inserting “and Plano”*
15 *after “held at Sherman”.*

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

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 judicial*
10 *circuit shall be chosen by the circuit and district judges of*
11 *the circuit and shall serve as a member of the Judicial Con-*
12 *ference of the United States for a term of not less than 3*
13 *successive years nor more than 5 successive years, as estab-*
14 *lished by majority vote of all circuit and district judges of*
15 *the circuit. A district judge serving as a member of the Ju-*
16 *dicial Conference may be either a judge in regular active*
17 *service or a judge retired from regular active service under*
18 *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, one*
24 *bankruptcy judge, and one magistrate judge, elected*
25 *by vote of the members of the Judicial Conference of*

1 *the United States, except that any circuit or district*
2 *judge so elected may be either a judge in regular ac-*
3 *tive service or a judge retired from regular active*
4 *service under section 371(b) of this title but shall not*
5 *be a member of the Judicial Conference of the United*
6 *States; and”;* 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 601 of title 28, United States Code, is amended*
15 *by adding at the end thereof the following: “The Director*
16 *and Deputy Director shall be deemed to be officers for pur-*
17 *poses 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, is*
20 *amended by striking out “petitioner” and inserting in lieu*
21 *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 “(A) *Subsections (c), (e)(1), (e)(2), (f) and (g) of*
2 *this section.*

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

16 “(C) *Sections 1152(a) and 1167(b) of the North-*
17 *east Rail Service Act of 1981 (45 U.S.C. 1105(a),*
18 *1115(a)).*

19 “(D) *Sections 4023 (2)(A)(iii), (2)(B), (2)(C),*
20 *(3)(C), (3)(E), (4)(A) and 4025(b) of the Conrail Pri-*
21 *vatization Act (45 U.S.C. 1323 (2)(A)(iii), (2)(B),*
22 *(2)(C), (3)(C), (3)(E), (4)(A), 1324(b)).*

23 “(E) *Section 24907(b) of title 49, United States*
24 *Code.*

1 “(F) Any other Federal law (other than this sub-
2 section and section 605 of the Federal Courts Im-
3 provement Act of 1996), Executive order, rule, regula-
4 tion, delegation of authority, or document of or relat-
5 ing to the special court as established under para-
6 graph (1) of this subsection.”.

7 (b) APPELLATE REVIEW.—(1) Section 209(e) of the
8 Regional Rail Reorganization Act of 1973 (45 U.S.C. 719)
9 is amended by striking paragraph (3) and inserting in lieu
10 thereof the following:

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

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

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

1 (3) *Section 1152 of the Northeast Rail Service Act of*
2 *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.—(1)*
10 *Section 209 of the Regional Rail Reorganization Act of*
11 *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” after*
14 *“Supreme Court”; and*

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

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

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

23 “(8) *‘Special court’ means the judicial panel es-*
24 *tablished under section 209(b)(1) of the Regional Rail*
25 *Reorganization Act of 1973 (45 U.S.C. 719(b)(1)) or,*

1 *with respect to any proceedings that arise or continue*
2 *after the panel is abolished pursuant to section*
3 *209(b)(2) of such Act, the United States District*
4 *Court for the District of Columbia.”.*

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

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

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

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

22 (e) *EFFECTIVE DATE.—The amendments made by sub-*
23 *sections (b) and (c) of this section shall take effect 90 days*
24 *after the date of the enactment of this Act and, except as*
25 *provided in subsection (d), shall apply with respect to pro-*

1 *ceedings that arise or continue on or after such effective*
 2 *date.*

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

7 *Section 134(b) of title 28, United States Code, is*
 8 *amended—*

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

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

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

18 **SEC. 707. CIVIL JUSTICE EXPENSE AND DELAY REDUCTION**
 19 **PLANS.**

20 *(a) AUTHORIZATION OF ARBITRATION.—Section*
 21 *473(a)(6)(B) of title 28, United States Code, is amended*
 22 *by inserting “arbitration,” before “mediation”.*

23 *(b) REPORT ON DEMONSTRATION PROGRAM.—Section*
 24 *104(d) of the Civil Justice Reform Act of 1990 (28 U.S.C.*

1 471 note) is amended by striking out “December 31, 1996,”
2 and inserting in lieu thereof “June 30, 1997.”

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

7 **SEC. 708. VENUE FOR TERRITORIAL COURTS.**

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

10 “(d) As used in this section, the term ‘district court’
11 includes the District Court of Guam, the District Court for
12 the Northern Mariana Islands, and the District Court of
13 the Virgin Islands, and the term ‘district’ includes the terri-
14 torial jurisdiction of each such court.”

15 (b) *CURE OR WAIVER OF DEFECTS.*—Section 1406(c)
16 of title 28, United States Code, is amended to read as fol-
17 lows:

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

23 (c) *APPLICABILITY.*—The amendments made by this
24 section apply to cases pending on the date of the enactment
25 of this Act and to cases commenced on or after such date.