



# Congressional Relations

One of the many ways the Administrative Office supports the Judicial Conference and its committees is through effective communications with Congress. Agency staff convey policies adopted by the Conference to Congress and draft statements for judges testifying on behalf of the Conference; identify and monitor legislation that could affect the organization and operation of the federal courts, particularly bills pertaining to judgeships, judicial pay, caseload, jurisdiction, appropriations, and courthouse facilities; and respond to inquiries regarding legislative proposals and constituent concerns.

## Legislation in the 2<sup>nd</sup> Session, 107<sup>th</sup> Congress

During its second session, the 107<sup>th</sup> Congress considered several bills of interest to the Judiciary. Judicial Conference committee chairs testified at hearings in support of legislative proposals of the Conference and in response to oversight hearings by the House Judiciary Committee.

## Department of Justice Reauthorization

President Bush signed into law the 21<sup>st</sup> Century Department of Justice Appropriations Authorization Act as P.L. 107-273 on November 2, 2002. This law provided for new federal district judgeships and incorporated several recommendations of the Judicial Conference, including amendments to the juvenile delinquency provisions to provide authority to impose a term of juvenile delinquency supervision to follow a term of official detention, and provide authority to sanction a violation of probation when a person adjudicated a juvenile delinquent is over 21 at the time of the violation.

In addition, the Multiparty, Multiforum Trial Jurisdiction Act

was included in P.L. 107-273. It provides for federal court jurisdiction (and consolidation) over any civil action involving minimal diversity of citizenship between adverse parties and arising from a single accident at a discrete location, in which at least 75 people have died. The new law also extended the U.S. Parole Commission for three years and established Federal Reentry Center Demonstration Projects under which plans will be developed to reduce recidivism by offenders released from federal prison.

## Federal Courts Improvement Bill

On October 1, 2002, the House of Representatives passed the Federal Courts Improvement Act. The bill includes 22 provisions that address administrative, financial, personnel, and benefits needs of the Judiciary.

Among the provisions of the bill is an authorization for the Judiciary to provide its employees with a supplemental benefits package that is competitive with those already provided throughout the private sector and by state governments. Another provision would create a new federal crime punishing any person who files a false lien against the property of a federal judge. The Senate took no action on the House bill during either session of the 107<sup>th</sup> Congress.

## Bankruptcy Reform Legislation

By the end of the 107<sup>th</sup> Congress, House and Senate conferees had reached agreement on a report on bankruptcy reform legislation. However, the House declined to vote on the conference bill, objecting to provisions unrelated to the Judiciary. In the final hours of the second session, the House took up and passed a separate bankruptcy reform bill, without the controversial provisions. The new bill was sent to the Senate, where it never

came to a vote. The legislation would have created 28 new temporary judgeships, the first new bankruptcy judgeships since 1992. The need for bankruptcy reform has been debated by Congress, but there has been no controversy over the need for new bankruptcy judgeships.

#### **Bipartisan Patient Protection Act**

Patients' rights bills were passed by the Senate and the House but were not enacted into law. Both bills would have created new federal causes of action for damage claims over injuries resulting from the denial by a health plan of a medical benefit.

#### **E-Government Act of 2002**

This legislation, which was signed into law on December 17, 2002 as P.L. 107-347, establishes a broad framework of measures that require Internet-based technology to enhance public access to government information and services and, in particular, requires federal courts to establish web sites by April 2005. The court web sites would contain information or links to information on courthouse location, local rules, access to docket information, written opinions, and other information.

#### **Innocence Protection Act of 2002**

This legislation sought to enhance the availability of post-conviction DNA testing in federal and state criminal justice systems and to ensure competent counsel in state capital proceedings. The Judicial Conference supports the intent of this bill and many of its provisions. Although similar bills were introduced in both Houses, none was passed.

#### **Class Action Fairness Act of 2002**

This legislation, which passed the House during the second session, would have provided for original federal jurisdiction over class actions involving minimal diversity between adverse parties where the amount in controversy exceeds \$2 million in aggregated damages. The Judicial Conference has opposed similar provisions in previous bills.

#### **Multidistrict Trial Legislation**

This bill, which was passed by the House, would have responded to the Supreme Court's decision in *Lexecon v. Milberg Weiss* to permit a district judge with a case transferred by the Judicial Panel on Multidistrict Litigation to retain the

case for trial. The Judicial Conference supports this legislation.

#### **Ninth Circuit Split**

The companion bills pending in the House and Senate would have divided the Ninth Circuit into a new Ninth Circuit (with Arizona, California, and Nevada) and a new Twelfth Circuit (with Alaska, Guam, Hawaii, Idaho, Montana, Northern Mariana Islands, Oregon, and Washington). Although a House subcommittee held a hearing on the issue, no further action was taken.

#### **Flexible Benefit Program**

Judge Dennis Jacobs (2<sup>nd</sup> Cir.), chair of the Judicial Conference Committee on Judicial Resources, testified before the House Government Reform Committee Subcommittee on Civil Service, Census and Agency Organizations on the Judiciary's successful flexible benefits program. As a result of Judge Jacobs' testimony, the subcommittee indicated support for expanding the Judiciary program as a model for cafeteria plans for the federal government generally. Judge Jacobs explained the Administrative Office Director's need for specific authority

*The House Judiciary Subcommittee on Courts, the Internet and Intellectual Property held a hearing on H.R. 1203, a bill that would divide the Ninth Circuit Court of Appeals into two circuits. Testifying at the hearing were (left to right) Judge Sidney R. Thomas (9th Cir.), Judge Diarmuid F. O'Scannlain (9th Cir.), Alan G. Lance, Attorney General of the State of Idaho, and Chief Judge Mary M. Schroeder (9th Cir.).*



to expand on the Judiciary's current program and the subcommittee offered its support and assistance in obtaining this authority.

The Judiciary's flexible benefit program got a welcomed assist from Representative Dan Burton, chairman of the House Committee of Government Reform, and Representative Dave Weldon, Chairman of the Government Reform Subcommittee on Civil Service, Census, and Agency Organization when they wrote to Representative Frank Wolf, chairman of the House Appropriations Subcommittee on Commerce, Justice, State and the Judiciary. In their letter, they strongly supported authorizing the Judicial Conference to provide a cafeteria-style benefit plan and report to Congress on the results of this initiative. The letter read, in part, "The judicial branch's success is promising as we look to expand benefit flexibility to a diverse and ever-changing federal workforce. The Judiciary model is an excellent start, and we believe that we can expand their success by allowing the Judiciary to add more benefits to the flexible benefit plan in a cost-sharing arrangement with employees."

#### Federal Courthouse Construction

As a result of the efforts of Judge Jane R. Roth (3<sup>rd</sup> Cir.), chair of the Judicial Conference Committee on Security and Facilities; other judges; Administrative Office Director Leonidas Ralph Mecham; and Administrative Office staff, congressional committees with jurisdiction over the construction of public buildings approved resolutions to fully authorize 20 of the 22 courthouse construction projects recommended for consideration in fiscal year 2003 as part of the Judicial Conference prioritized five-year plan. The Senate Treasury, Postal Service and General Government

## 2002 Completed Courthouse Projects

In 2002, the Judiciary took occupancy of the following eight projects:

Providence, RI	Major Repair & Alteration
London, KY	New Building
Albany, NY	Major Repair & Alteration
Albany, GA	New Building
Hammond, IN	New Building
Helena, MT	New Building
Cleveland, OH	New Building
Youngstown, OH	New Building

appropriations bill, which funds courthouses through the General Services Administration budget, included funding of \$315 million for 11 of those projects. The House approved funding of \$309 million for those same 11 projects. Congress authorized eight courthouse repair and alteration projects with a total cost of \$78 million. However, Congress did not complete action on the appropriations bills before the end of the 107<sup>th</sup> Congress, so work will continue to achieve funding for these projects when the 108<sup>th</sup> Congress convenes.

#### Space Inventory System Completed

JFACTS, an automated information system completed this year, will allow Judiciary staff nationwide to access current information on space inventory, space occupancy rates, General Services Administration charges for rent by location, and construction project milestones. Consolidating this information in one database is expected to streamline space management duties.

The availability of this information to court staff will help them identify inventory errors and other areas where potential cost savings may be realized.

#### Courtroom Technology

The Administrative Office continued to enhance the courtroom technology program during 2002 to ensure that all courthouse systems are installed and operative when a new or renovated facility is ready for occupancy. The infrastructure for technology is being installed in each courtroom, and portable evidence presentation and video-conferencing equipment is being purchased for every three courtrooms. Approximately 100 prospectus and centrally funded non-prospectus courtroom technology systems were installed in new courtrooms during 2002.