

109th CONGRESS
1st Session

FEDERAL COURTS IMPROVEMENT ACT OF 2005

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

IN THE SENATE/HOUSE OF REPRESENTATIVES OF THE UNITED STATES

A BILL

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

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Federal Courts Improvement Act of 2005.”

(b) Table of Contents.—The table of contents of this Act is as follows:

Section 1. Short title and table of contents.

TITLE I—JUDICIAL PROCESS IMPROVEMENTS

- Sec. 101. Emergency authority to conduct court proceedings outside the territorial jurisdiction of the court.
- Sec. 102. Change in composition of divisions of Western District of Texas.
- Sec. 103. Change in composition of divisions of Western District of Tennessee.
- Sec. 104. Supplemental attendance fee for petit jurors serving on lengthy trials.
- Sec. 105. Authority of district courts as to a jury summons.
- Sec. 106. Elimination of the public drawing requirements for jury wheels.
- Sec. 107. Conditions of probation and supervised release.
- Sec. 108. Reporting of wiretap orders.
- Sec. 109. Repeal of obsolete Speedy Trial Act cross references to the Narcotic Addict Rehabilitation Act.
- Sec. 110. Improvements in flexibility and efficiency in the establishment, adjustment and collection of criminal fines and orders of restitution.
- Sec. 111. Authority of bankruptcy administrators to appoint trustees and to serve as trustees in bankruptcy cases in the states of Alabama and North Carolina.
- Sec. 112. Repeal of obsolete provisions of the Bankruptcy Code relating to increases in filing fees.
- Sec. 113. Venue in bankruptcy cases.
- Sec. 114. Taxing of court technology costs.
- Sec. 115. Investment of court registry funds.
- Sec. 116. Magistrate judge participation at circuit conferences.
- Sec. 117. Attorney case compensation maximum amounts.

TITLE II—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

- Sec. 201. Judicial branch security requirements.
- Sec. 202. Protection against malicious recording of fictitious liens against federal judges.
- Sec. 203. Judges firearms training.
- Sec. 204. Selection of chief pretrial services officers.
- Sec. 205. Intentional tort coverage of United States Probation and Pretrial Service Officers.
- Sec. 206. Repeal of requirement for additional legislative action regarding judicial compensation.
- Sec. 207. Bankruptcy, magistrate, and territorial judges life insurance.

- Sec. 208. Health insurance for surviving family and spouses of judges.
- Sec. 209. Disability retirement and cost-of-living adjustments of annuities for territorial judges.
- Sec. 210. Federal Judicial Center personnel matters.
- Sec. 211. Annual leave limit for judicial branch executives.
- Sec. 212. Supplemental benefits program.
- Sec. 213. Excess compensation delegation authority.
- Sec. 214. Transportation and subsistence for Criminal Justice Act defendants.

TITLE I—JUDICIAL PROCESS IMPROVEMENTS

SEC. 101. EMERGENCY AUTHORITY TO CONDUCT COURT PROCEEDINGS OUTSIDE THE TERRITORIAL JURISDICTION OF THE COURT.

(a) COURTS OF APPEALS.—Section 48 of title 28, United States Code, is amended by adding at the end the following new section:

“(e) Each court of appeals may hold special sessions at any place outside the circuit as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the court of appeals (or, if the chief judge is unavailable, the most senior available active judge of the court of appeals) or the judicial council of the circuit that, because of emergency conditions, no location within the circuit is reasonably available where such special sessions could be held. The court may transact any business at a special session outside the circuit that it might transact at a regular session.”.

(b) DISTRICT COURTS.—Section 141 of title 28, United States Code, is amended—

(1) by re-designating the section as section 141(a), and

(2) by adding the following as section 141(b):

“Special sessions of the district court may be held at such places outside the district as the

nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the district court (or, if the chief judge is unavailable, the most senior available active judge of the district court) or the judicial council of the circuit that, because of emergency conditions, no location within the district is reasonably available where such special sessions could be held. Any business may be transacted at a special session outside the district that might be transacted at a regular session. The district court may summon jurors from within the district to serve in any case in which special sessions are conducted outside the district pursuant to the provisions of this section.”.

(c) BANKRUPTCY COURTS.—Section 152(c) of title 28, United States Code, is amended—

(1) by re-designating the section as 152(c)(1), and

(2) by adding the following as section 152(c)(2):

“Bankruptcy judges may hold court at such places outside the judicial district as the nature of the business of the court may require, and upon such notice as the court orders, upon a finding by either the chief judge of the bankruptcy court (or, if the chief judge is unavailable, the most senior available bankruptcy judge) or by the judicial council of the circuit that, because of emergency conditions, no location within the district is reasonably available where the bankruptcy judges could hold court. Bankruptcy judges may transact any business at such locations outside the district that might be transacted at a regular or special session of the court.”.

(d) UNITED STATES MAGISTRATE JUDGES.—Section 636 of title 28, United States Code, is amended in subsection (a) by striking “territorial jurisdiction prescribed by his appointment” and inserting “district in which sessions are held by the court that appointed the magistrate judge, at other places where that court may function, and elsewhere as authorized by

law”.

SEC. 102. CHANGE IN COMPOSITION OF DIVISIONS OF WESTERN DISTRICT OF TEXAS.

(a) IN GENERAL.—Section 124(d) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking “county” and inserting in place thereof “counties”; and

(B) by inserting “and Hudspeth” after “El Paso”; and

(2) in paragraph (6) by striking “Hudspeth,”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall take effect on the date of enactment of this Act.

(2) PENDING CASES NOT AFFECTED.—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Western District of Texas on such date.

(3) JURIES NOT AFFECTED.—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the United States District Court for the Western District of Texas on the effective date of this section.

SEC. 103. CHANGE OF COMPOSITION OF DIVISIONS OF WESTERN DISTRICT OF TENNESSEE.

(a) IN GENERAL.—Section 123(c) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “Dyer,” after “Decatur,”; and

(B) in the last sentence by inserting “and Dyersburg” after “Jackson”, and
(2) in paragraph (2)—

(A) by striking “Dyer,”, and

(B) in the second sentence, by striking “and Dyersburg”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall take effect on the date of enactment of this Act.

(2) PENDING CASES NOT AFFECTED.—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Western District of Tennessee on such date.

(3) JURIES NOT AFFECTED.—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the United States District Court for the Western District of Tennessee on the effective date of this section.

SEC. 104. SUPPLEMENTAL ATTENDANCE FEE FOR PETIT JURORS SERVING ON LENGTHY TRIALS.

Effective October 1, 2005, section 1871(b)(2) of title 28, United States Code, is amended by striking out “thirty” in each place it occurs, and inserting in lieu thereof “five”.

SEC. 105. AUTHORITY OF DISTRICT COURTS AS TO A JURY SUMMONS.

Section 1866(g) of title 28, United States Code, is amended in the first sentence by striking the word “shall” and inserting the word “may” and by striking the word “his.”

SEC. 106. ELIMINATION OF THE PUBLIC DRAWING REQUIREMENTS FOR JUROR WHEELS.

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

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

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

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

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

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

(c) CONFORMING AMENDMENT.—Section 1869 of title 28, United States Code, is amended by repealing subsection (k) and redesignating subsequent subsections accordingly.

SEC. 107. CONDITIONS OF PROBATION AND SUPERVISED RELEASE.

(a) CONDITIONS OF PROBATION.—Section 3563(a)(2) of title 18, United States Code, is amended by striking “(b)(2), (b)(3), or (b)(13),” and inserting “(b)(2) or (b)(12), unless the court has imposed a fine under this chapter, or”.

(b) SUPERVISED RELEASE AFTER IMPRISONMENT.—Section 3583(d) of title 18, United States Code, is amended by striking “section 3563(b)(1)” and all that follows through “appropriate.” and inserting “section 3563(b) and any other condition it considers to be

appropriate, provided, however that a condition set forth in subsection 3563(b)(10) shall be imposed only for a violation of a condition of supervised release in accordance with section 3583(e)(2) and only when facilities are available.”.

(c) CONFORMING AMENDMENT.—Section 3563(b)(10) of title 18, United States Code, is amended by inserting “or supervised release” after “probation”.

SEC. 108. REPORTING OF WIRETAP ORDERS.

Paragraph (1) of section 2519 of title 18, United States Code, is amended by striking all that precedes “(a)” and inserting the following:

“(1) In January of each year, any judge who has issued an order (or extension thereof) under section 2518 that expired during the preceding year, or who has denied approval of an interception during that year, shall report to the Administrative Office of the United States Courts—”.

SEC. 109. REPEAL OF OBSOLETE SPEEDY TRIAL ACT CROSS REFERENCES TO THE NARCOTIC ADDICT REHABILITATION ACT.

Section 3161 of title 18, United States Code, is amended in subsection (h)—

- (1) by striking subparagraphs (1)(B) and (1)(C);
- (2) by renumbering subparagraphs (1)(D) through (1)(J) as subparagraphs (1)(B) through (1)(H), respectively;
- (3) by striking paragraph (5); and
- (4) by renumbering paragraphs (6) through (9) as paragraphs (5) through (8), respectively.

SEC. 110. IMPROVEMENTS IN FLEXIBILITY AND EFFICIENCY IN THE ESTABLISHMENT, ADJUSTMENT AND COLLECTION OF CRIMINAL FINES AND ORDERS OF RESTITUTION.

(a) CHANGES IN PROCEDURES FOR ORDERS OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) in subparagraph (d)(2)(A)(v)—

(A) by striking “B”; and

(B) by inserting “D” in its place;

(2) in subparagraph (f)(2)—

(A) by inserting “the amount owed, that this amount is payable immediately, and” after “order” and before “the manner”; and

(B) by striking “, and the schedule according to which,”;

(3) in subparagraph (f)(3)—

(A) by striking subparagraph (B); and

(B) by inserting the following after subparagraph (A):

“(B) Notwithstanding any payment schedule entered by the court, each order of restitution shall be a civil debt, payable immediately, and subject to the enforcement procedures provided in this section. No payment schedule imposed by the court shall preclude the United States from enforcing an order of restitution pursuant to this section, nor shall any payment schedule imposed by the court preclude collection pursuant to the Bureau of Prisons’ Inmate Financial Responsibility Program.”;

(4) in paragraph (k) by deleting:

“Upon receipt of the notification, the court may, on its own motion, or the motion of any party, including the victim, adjust the payment schedule, or require immediate payment in full, as the interests of justice require.”;

(5) in subparagraph (m)(1) –

(A) by striking the subparagraph; and

(B) by inserting the following:

“(1) An order of restitution may be enforced–

“(A) through civil practices and procedures during the period that the restitution lien provided in section 3613 of this title, is enforceable;

“(B) by the United States in the manner provided for in subchapter C of chapter 227 and subchapter B of chapter 229 of this title;

“(C) by the United States regardless of whether for the benefit of the United States, in accordance with the procedures of chapter 176 of part VI of title 28, or in accordance with any other civil enforcement means available to the United States to enforce a debt due the United States; or

“(D) by any victim named in the restitution order as a lien under section 1962 of title 28. At the request of a victim named in a restitution order, the clerk of the court shall issue an abstract of judgment certifying that a judgment has been entered in favor of such victim in the amount specified in the restitution order. Upon registering, recording, docketing, or indexing such abstract in accordance with the rules and requirements relating to

judgments of the court of the State where the district court is located, the abstract of judgment shall be a lien on the property of the defendant located in such State in the same manner and to the same extent and under the same conditions as a judgment of a court of general jurisdiction in that State.”;

(6) by inserting the following after paragraph (p):

“(q) Upon motion of the government or petition by the probation office, the court shall conduct a hearing to determine whether the defendant has knowingly or willfully refused to make a restitution payment. If the court finds that the defendant is in default, the court may take any action described in sections 3613A and 3614 of this title, to obtain compliance with the order of restitution or to sanction the defendant for knowing or willful refusal to pay.”.

(b) CHANGES IN PAYMENTS OF FINES AND INCLUSION OF ORDERS OF RESTITUTION.—Section 3572 of title 18, United States Code is amended—

(1) in the section heading, by inserting “, restitution,” after “fine”;

(2) by striking subparagraphs (d)(1) and (2);

(3) by inserting the following new subparagraphs (d)(1) and (2):

“(1) A sentence imposing a fine or other monetary penalty, including restitution, shall be for a sum certain and shall be payable immediately. A person sentenced to pay a fine or other monetary penalty, including restitution, shall make such payment immediately, unless in the interest of justice, the court provides for payment on a date certain or in installments.

“(2) Notwithstanding any payment schedule entered by the court, each order of restitution shall be a civil debt, payable immediately, and subject to the enforcement procedures provided in section 3664(m). No payment schedule imposed by the court shall preclude the United States from enforcing an order of restitution pursuant to section 3664, nor shall any payment schedule imposed by the court preclude collection pursuant to the Bureau of Prisons’ Inmate Financial Responsibility Program.”;

(4) in subparagraph (d)(3) by deleting the last sentence.

(c) EXPANSION OF CIVIL REMEDIES FOR ORDERS OF RESTITUTION.—Section 3613 of title 18, United States Code, is amended—

(1) in the section heading, by inserting “or restitution” after “fine”;

(2) in paragraph (a) –

(A) by inserting “or restitution” after “fine” and before “in”; and

(B) by inserting “or restitution” after “fine” and before “may”;

(3) in paragraph (b) –

(A) by inserting “or restitution” after “fine” and before “shall”; and

(B) by inserting “or ordered to pay restitution” after “fined”;

(4) in paragraph (c) –

(A) by striking “, or an order of restitution made pursuant to sections 2248, 2259, 2264, 2327, 3663, 3663A, or 3664 of this title,” after “title” and before “is”; and

(B) by inserting “An order of restitution made pursuant to section 2248, 2259, 2264, 2327, 3663, 3663A, or 3664 of this title, is a lien in favor of the United States or any non-Federal victims on all property and rights to property of the person ordered to pay restitution as if the liability of the person were a liability for a tax assessed under the Internal Revenue Code of 1986.” after “1986.” and before “The”;

(5) in paragraph (e) by inserting “or restitution” after “fine” and before “pursuant”;

and

(6) by striking paragraph (f).

SEC. 111. AUTHORITY OF BANKRUPTCY ADMINISTRATORS TO APPOINT TRUSTEES AND TO SERVE AS TRUSTEES IN BANKRUPTCY CASES IN THE STATES OF ALABAMA AND NORTH CAROLINA.

Until the amendments made by subtitle A of title II of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note; Public Law 99-554; 100 Stat. 3088) become effective in and with respect to a judicial district in the State of Alabama, or in and with respect to a judicial district in the State of North Carolina—

(1) a reference in sections 303(g), 701(a), 703(b), 703(c), 1102(a), 1104(d), 1163, 1202, and 1302 of title 11, United States Code, to the United States trustee shall be deemed to be a reference to the bankruptcy administrator appointed and serving in such district under the authority of section 302(d)(3)(I) of such Act;

(2) a reference in sections 1202(a) and 1302(a) of title 11, United States Code, to section 586(b) of title 28, United States Code, shall be deemed to be a reference to such section as modified in operation by the other provisions of this section;

(3) a reference in sections 701(a)(1) and 703(c) of title 11, United States Code, to a panel of private trustees established under section 586(a)(1) of title 28, United States Code, shall be deemed to be a reference to a panel of private trustees established in such district under the authority of section 302(d)(3)(I)(i) of such Act; and

(4) a reference in subsections (b), (d), and (e) of section 586 of title 28, United States Code—

(A) to the Attorney General shall be deemed to be a reference to the Director of the Administrative Office of the United States Courts;

(B) to the United States trustee for the region shall be deemed to be a reference to the bankruptcy administrator appointed for such district;

(C) to a standing trustee shall be deemed to be a reference to a standing trustee appointed by the bankruptcy administrator;

(D) to the designation of one or more assistant United States trustees shall be disregarded; and

(E) to the deposit in the United States Trustee System Fund shall be deemed to be a reference to the payment to the clerk of the court for deposit in the Treasury;

for purposes of cases pending under title 11, United States Code, in such district.

SEC. 112. REPEAL OF OBSOLETE PROVISIONS OF THE BANKRUPTCY CODE RELATING TO INCREASES IN FILING FEES.

Section 104 of title 11, United States Code, is amended—

(1) by striking subsection (a) in its entirety;

(2) in paragraph (b)(1), by striking “(b)(1)” and inserting “(a)”;

(3) in subparagraph (b)(1)(A), by striking “(A)” and inserting “(1)”;

(4) in subparagraph (b)(1)(B), by striking “(B)” and inserting “(2)”;

(5) in paragraph (b)(2), by striking “(2)” and inserting “b”; and

(6) in paragraph (b)(3), by striking “(3)” and inserting “(c)”.

SEC. 113. VENUE IN BANKRUPTCY CASES.

Section 1412 of title 28, United States Code, is amended by inserting “, on its own motion or on timely motion of a party in interest,” after “A district court” and before “may”.

SEC. 114. TAXING OF COURT TECHNOLOGY COSTS.

Section 1920 of title 28, United States Code, is amended by striking in subsection (2), “of the court reporter for all or any part of the stenographic transcript” and inserting in its place “for printed or electronically recorded transcripts” and in subsection (4), striking “copies of papers” and inserting in its place “the costs of making copies of any materials where the copies are”.

SEC. 115. INVESTMENT OF COURT REGISTRY FUNDS.

Chapter 129 of title 28, United States Code, is amended by inserting after section 2044 the following new section:

“§ 2045. Investment of court registry funds.

“(a) The Director of the Administrative Office of the United States Courts, or the Director’s designee under subsection (b) of this section, may request the Secretary of the Treasury to invest funds received under section 2041 of this title in public debt securities with maturities suitable to the needs of the funds, as determined by the Director or the Director’s designee, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

“(b) The Director may designate the clerk of a court described in section 610 of this title to exercise the authority conferred by subsection (a) of this section.”.

SEC. 116. MAGISTRATE JUDGE PARTICIPATION AT CIRCUIT CONFERENCES.

Section 333 of title 28, United States Code, is amended in the first sentence by inserting “magistrate,” after “district,”.

SEC. 117. ATTORNEY CASE COMPENSATION MAXIMUM AMOUNTS.

Paragraph 2 of subsection (d) of Section 3006A of title 18, United States Code, is amended by adding at the end the following sentence: “The compensation maximum amounts provided in this subsection shall, hereafter, increase simultaneously by the same percentage, rounded to the nearest multiple of \$100, as the aggregate percentage increases in the maximum hourly compensation rate to be paid pursuant to subsection (d)(1) for time expended.”.

**TITLE II—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS,
AND PROTECTIONS**

SEC. 201. JUDICIAL BRANCH SECURITY REQUIREMENTS.

Section 604(a) of title 28, United States Code, is amended by—

(a) inserting the following subparagraph:

“(22) Determine the security requirements for the Judicial Branch, after consultation with the United States Marshals Service, and others if necessary;” and

(b) renumbering subsequent subparagraphs accordingly.

SEC. 202. PROTECTION AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES.

(a) In General.—Chapter 73 of title 18, United States Code, is amended by adding at the end thereof the following:

“§ 1521. Retaliating against a federal judge by false claim or slander of title

“(a) Whoever files or attempts to file, in any public record or in any private record which is generally available to the public, any lien or encumbrance against the real or personal property of a Federal judge, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than five years, or both. In the case of an offense under this subsection which was committed after the defendant had previously been convicted of an earlier offense under this subsection, the defendant shall be fined under this title or imprisoned for not more than ten years, or both.

“(b) As used in this section, the term “Federal judge” means a justice or judge of the United States as defined in 28 U.S.C. § 451, a judge of the United States Court of Federal Claims, a United States bankruptcy judge, a United States magistrate judge, and a judge of the United States Court of Appeals for the Armed Forces, United States Court of Appeals for Veterans Claims, United States Tax Court, District Court of Guam, District Court of the Northern Mariana Islands, or District Court of the Virgin Islands.”.

(b) CLERICAL AMENDMENT. —The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

“1521. Retaliating against a federal judge by false claim or slander of title.”.

SEC. 203. JUDGES FIREARMS TRAINING.

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

“§ 464. Carrying of firearms by judicial officers

“(a) A judicial officer of the United States is authorized to carry a firearm, whether concealed or not, under regulations promulgated by the Judicial Conference of the United States. The authority granted by this section shall extend only to (1) those states in which the carrying of firearms by judicial officers of the state is permitted by state law, or (2) regardless of state law, to any place where the judicial officer of the United States sits, resides, or is present on official travel status.

“(b) IMPLEMENTATION.—

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

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

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

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

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

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

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

“(A) a 1-year period following such justice’s or judge’s retirement; or

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

“(3) a United States bankruptcy judge;

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

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

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

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

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

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

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

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 21 of title 28, United States Code, is amended by adding at the end thereof the following new item:

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

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

SEC. 204. SELECTION OF CHIEF PRETRIAL SERVICES OFFICERS.

Section 3152 of title 18, United States Code, is amended by amending paragraph (c) to read as follows:

“(c) The pretrial services established under subsection (b) of this section shall be supervised by a chief pretrial services officer appointed by the district court. The chief pretrial services officer appointed under this subsection shall be an individual other than one serving under authority of section 3602 of this title.”.

SEC. 205. INTENTIONAL TORT COVERAGE OF UNITED STATES PROBATION AND PRETRIAL SERVICE OFFICERS.

Section 2680 of title 28, United States Code, is amended in paragraph (h) by deleting the last sentence and inserting the following:

“For the purpose of this subsection, "investigative or law enforcement officer" means any officer of the United States who is—

“(A) empowered by law to execute searches, to seize evidence, or to make arrests for violations of Federal law; or

“(B) serving as a probation or pretrial services officer under title 18, United States Code.”.

SEC. 206. REPEAL OF REQUIREMENT FOR ADDITIONAL LEGISLATIVE ACTION REGARDING JUDICIAL COMPENSATION.

Section 140 of Public Law No. 97-92, 95 Stat. 1200, is hereby repealed.

SEC. 207. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.

(a) BANKRUPTCY JUDGES.—Section 153 of title 28, United States Code, is amended by adding at the end the following:

“(d) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a bankruptcy judge of the United States who is in regular active service or who is retired under section 377 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.”.

(b) UNITED STATES MAGISTRATE JUDGES.—Section 634(c) of title 28, United States Code, is amended—

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

(2) by adding at the end the following: “(2) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a magistrate judge of the United States who is in regular active service or who is retired under section 377 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.”.

(c) TERRITORIAL JUDGES.—

(1) GUAM.—Section 24 of the Organic Act of Guam (48 U.S.C. § 1424b) is amended by adding at the end the following:

“(c) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.”.

(2) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The first section of the Act of November 8, 1977 (48 U.S.C. § 1821; Public Law 95–157; 91 Stat. 1265) is amended in subsection (b) by adding at the end the following:

“(5) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.”.

(3) VIRGIN ISLANDS.—Section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. § 1614(a)) is amended—

(A) by inserting “(1)” after “(a)”; and

(B) by adding at the end the following:

“(2) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of this title

shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.”.

SEC. 208. HEALTH INSURANCE FOR SURVIVING SPOUSES AND FAMILY OF JUDGES.

Section 8901(3) of title 5, United States Code, is amended—

- (1) in subparagraph (C), by striking “and” at the end;
- (2) in subparagraph (D), by adding “and” at the end; and
- (3) by adding at the end the following:

“(E) a member of a family who is a survivor of—

“(i) a Justice or judge of the United States, as defined under section 451 of title 28, United States Code;

“(ii) a judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands;

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

“(iv) a United States bankruptcy judge or a full-time United States magistrate judge;”.

SEC. 209. DISABILITY RETIREMENT AND COST-OF-LIVING ADJUSTMENTS OF ANNUITIES FOR TERRITORIAL JUDGES.

Section 373 of title 28, United States Code, is amended—

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

“(4) Any senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall be paid, while performing such duties, the same compensation (in lieu of the annuity payable under this section)

and the same allowances for travel and other expenses as a judge on active duty with the court being served.”;

(2) by amending subsection (e) to read—

“(e)(1) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who is not reappointed (as judge of such court) shall be entitled, upon attaining the age of sixty-five years or upon relinquishing office if the judge is then beyond the age of sixty-five years—(A) if the judicial service of such judge, continuous or otherwise, aggregates fifteen years or more, to receive during the remainder of such judge’s life an annuity equal to the salary received when the judge left office, or (B) if such judicial service, continuous or otherwise, aggregated less than fifteen years, to receive during the remainder of such judge’s life an annuity equal to that proportion of such salary which the aggregate number of such judge’s years of service bears to fifteen.

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

(3) by amending subsection (g) to read—

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

SEC. 210. FEDERAL JUDICIAL CENTER PERSONNEL MATTERS.

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

(1) in subsection (b)—

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

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

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

(2) in subsections (c) and (d) by striking “, United States Code,” each place it appears.

SEC. 211. ANNUAL LEAVE LIMIT FOR JUDICIAL BRANCH EXECUTIVES.

Section 6304(f)(1) of title 5, United States Code, is amended to add at the end thereof:

“(F) the Judicial Branch designated as a court unit executive position by the Judicial Conference of the United States or designated as an executive position in the Federal Judicial Center by the Board of the Federal Judicial Center.”.

SEC. 212. SUPPLEMENTAL BENEFITS PROGRAM.

Section 604(a) of title 28, United States Code, is amended by—

(a) inserting the following subparagraph:

“(6) In the Director’s discretion, establish a program of benefits, in addition to those otherwise provided by law, for officers and employees of the judicial branch, including justices and judges of the United States;” and

(b) renumbering subsequent subparagraphs accordingly.

SEC. 213. EXCESS COMPENSATION DELEGATION AUTHORITY.

(a) Section 3006A(d)(3) of title 18, United States Code, is amended in the second sentence—

(1) by inserting “or senior” after “active”; and

(2) by inserting “, or to an appropriate non-judicial officer qualified by training and legal experience. In any case in which the delegate judge or non-judicial officer reduces the excess payment certified by the court, the claimant may seek review by the chief judge” after “circuit judge”.

(b) Section 3006A(e)(3) of title 18, United States Code, is amended in the second sentence—

(1) by inserting “or senior” after “active”; and

(2) by inserting “, or to an appropriate non-judicial officer qualified by training and legal experience. In any case in which the delegate judge or non-judicial officer reduces the excess payment certified by the court, the claimant may seek review by the chief judge” after “circuit judge”.

(c) Section 848(q)(10)(B) of title 21, United States Code, is amended in the second sentence—

(1) by inserting “or senior” after “active”; and

(2) by inserting “, or to an appropriate non-judicial officer qualified by training and legal experience. In any case in which the delegate judge or non-judicial officer reduces the excess payment certified by the court, the claimant may seek review by the chief judge” after “circuit judge”.

SEC. 214. TRANSPORTATION AND SUBSISTENCE FOR CRIMINAL JUSTICE ACT DEFENDANTS.

Section 4285 of title 18, United States Code, is amended—

(1) in the first sentence, by striking “to appear before the required court”;

(2) by inserting “(1)” after “fare for such transportation”;

(3) by striking “to the place where his appearance is required,” and inserting “to the place where each appearance is required”;

(4) by inserting after “where each appearance is required” the following: “and (2) to return to the place of his arrest or bona fide residence.”;

(5) by inserting after “subsistence expenses” the following: “during travel”; and

(6) by striking “to his destination,” and inserting “to his destination and during any proceeding at which his appearance is required,”.