

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

L. RALPH MECHAM
DIRECTOR

JAMES E. MACKLIN, JR.
DEPUTY DIRECTOR

WASHINGTON, D.C. 20544

November 6, 1990

MEMORANDUM TO THE SENIOR STAFF

SUBJECT: Implementation of Title III of the Biden Bill, the
"Federal Courts Study Committee Implementation Act of 1990"

Attached is an excerpt from the Congressional Record of Title III of the Biden bill. The following senior staff members are assigned primary responsibility for implementation of the various sections of Title III. In some cases, input from and coordination with other offices and divisions may be necessary, and it may be appropriate to combine two or more actions (e.g., include all bankruptcy actions in a single memorandum).

§ 301. Short Title. No assignment

§ 302. Study of Intercircuit Conflicts and Structural Alternatives for the Courts of Appeals by Federal Judicial Center. No assignment

§ 303. Effect of Appointment of Judge as Director of Certain Judicial Branch Agencies. Deputy Director

§ 304. Extension of Terms of Office of Bankruptcy Judges. Chief, Bankruptcy Division

§ 305. Appeals of Judgments, Orders, and Decrees of Bankruptcy Courts. Chief, Bankruptcy Division

§ 306. Retirement System for Claims Court Judges. Assistant Director for Administration

§ 307. Appointment of Director and Deputy Director of the Administrative Office. No assignment

§ 308. Magistrates. Chief, Magistrates Division

- § 309. Appeal of Certain Determinations Relating to Bankruptcy Cases. Chief, Bankruptcy Division
- § 310. Supplemental Jurisdiction. General Counsel
- § 311. Venue. General Counsel
- § 312. Removal of Separate and Independent Claims. General Counsel
- § 313. Statute of Limitations. General Counsel
- § 314. Witness and Juror Fees. Chief, Court Administration Division
- § 315. Power of Supreme Court to Define Final Decision for Purposes of Section 1291 of Title 28, United States Code. Deputy Director
- § 316. Extension of Life of Parole Commission. Chief, Probation and Pretrial Services Division
- § 317. Bankruptcy Administrator Program. Chief, Bankruptcy Division
- § 318. Study of Federal Defender Program. Chief, Defender Services Division
- § 319. Amendments to the Ethics in Government Act of 1978. Director of EEO and Special Projects
- § 320. Biennial Circuit Judicial Conference. General Counsel
- § 321. Change of Name of United States Magistrates. Chief, Magistrates Division
- § 322. Length of Service Required for Eligibility under the Judicial Survivors' Annuities Act. Chief, Personnel Division
- § 323. Composition of Judicial Councils. General Counsel
- § 324. Miscellaneous Provisions. Chief, Court Administration Division
- § 325. Miscellaneous Technical Amendments. No assignment

Memorandum to the Senior Staff
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Please take the necessary steps to implement the provisions assigned to you, and advise me by December 5, 1990, on the actions taken.



L. Ralph Mecham

Attachment

the office under section 133 of title 28, United States Code, as amended by this title.

(2KA) The existing two district judgeships for the eastern and western districts of Arkansas (provided by section 133 of title 28, United States Code, as in effect on the day before the effective date of this title) shall be district judgeships for the eastern district of Arkansas only, and the incumbents of such judgeships shall hold the offices under section 133 of title 28, United States Code, as amended by this title.

(B) The existing district judgeship for the northern and southern districts of Iowa (provided by section 133 of title 28, United States Code, as in effect on the day before the effective date of this title) shall be a district judgeship for the northern district of Iowa only, and the incumbent of such judgeship shall hold the office under section 133 of title 28, United States Code, as amended by this title.

(C) The existing district judgeship for the northern, eastern, and western districts of Oklahoma (provided by section 133 of title 28, United States Code, as in effect on the day before the effective date of this title) and the occupant of which has his official duty station at Oklahoma City on the date of enactment of this title, shall be a district judgeship for the western district of Oklahoma only, and the incumbent of such judgeship shall hold the office under section 133 of title 28, United States Code, as amended by this title.

(c) TEMPORARY JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 1 additional district judge for the northern district of Alabama;

(2) 1 additional district judge for the eastern district of California;

(3) 1 additional district judge for the district of Hawaii;

(4) 1 additional district judge for the central district of Illinois;

(5) 1 additional district judge for the southern district of Illinois;

(6) 1 additional district judge for the district of Kansas;

(7) 1 additional district judge for the western district of Michigan;

(8) 1 additional district judge for the eastern district of Missouri;

(9) 1 additional district judge for the district of Nebraska;

(10) 1 additional district judge for the northern district of New York;

(11) 1 additional district judge for the northern district of Ohio;

(12) 1 additional district judge for the eastern district of Pennsylvania; and

(13) 1 additional district judge for the eastern district of Virginia.

The first vacancy in the office of district judge in each of the judicial districts named in this subsection, occurring five years or more after the effective date of this title, shall not be filled.

(d) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsections (a) and (b) of this section, such table is amended to read as follows:

"DISTRICTS	JUDGES
Alabama:	
Northern.....	7
Middle.....	3
Southern.....	3
Alaska.....	3
Arizona.....	8
Arkansas:	

Eastern.....	5
Western.....	3
California:	
Northern.....	14
Eastern.....	6
Central.....	27
Southern.....	8
Colorado.....	7
Connecticut.....	8
Delaware.....	4
District of Columbia.....	15
Florida:	
Northern.....	4
Middle.....	11
Southern.....	16
Georgia:	
Northern.....	11
Middle.....	4
Southern.....	3
Hawaii.....	3
Idaho.....	2
Illinois:	
Northern.....	22
Central.....	3
Southern.....	3
Indiana:	
Northern.....	5
Southern.....	5
Iowa:	
Northern.....	2
Southern.....	3
Kansas.....	5
Kentucky:	
Eastern.....	4
Western.....	1
Eastern and Western.....	6
Louisiana:	
Eastern.....	13
Middle.....	2
Western.....	7
Maine.....	3
Maryland.....	10
Massachusetts.....	13
Michigan:	
Eastern.....	15
Western.....	4
Minnesota.....	7
Mississippi:	
Northern.....	3
Southern.....	6
Missouri:	
Eastern.....	6
Western.....	5
Eastern and Western.....	2
Montana.....	3
Nebraska.....	3
Nevada.....	4
New Hampshire.....	3
New Jersey.....	17
New Mexico.....	5
New York:	
Northern.....	4
Southern.....	28
Eastern.....	15
Western.....	4
North Carolina:	
Eastern.....	4
Middle.....	4
Western.....	3
North Dakota.....	2
Ohio:	
Northern.....	11
Southern.....	8
Oklahoma:	
Northern.....	3
Eastern.....	1
Western.....	6
Northern, Eastern, and Western.....	1
Oregon.....	6
Pennsylvania:	
Eastern.....	22
Middle.....	6
Western.....	10
Puerto Rico.....	7
Rhode Island.....	3
South Carolina.....	9
South Dakota.....	3

Tennessee:	
Eastern.....	5
Middle.....	4
Western.....	5
Texas:	
Northern.....	12
Southern.....	18
Eastern.....	7
Western.....	10
Utah.....	5
Vermont.....	2
Virginia:	
Eastern.....	9
Western.....	4
Washington:	
Eastern.....	4
Western.....	7
West Virginia:	
Northern.....	3
Southern.....	5
Wisconsin:	
Eastern.....	4
Western.....	2
Wyoming.....	3

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this title.

SEC. 205. STUDY BY GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall review the policies, procedures, and methodologies used by the Judicial Conference of the United States in recommending to the Congress the creation of additional Federal judgeships. In conducting such review the Comptroller General shall, at a minimum, determine the extent to which such policies, procedures, and methodologies—

(1) provide an accurate measure of the workload of existing judges;

(2) are applied consistently to the various circuit courts of appeals and district courts; and

(3) provide an accurate indicator of the need for additional judgeships.

(b) REPORT TO CONGRESS.—The Comptroller General shall, not later than 18 months after the date of the enactment of this Act, report the results of the review conducted under subsection (a) to the Committees on the Judiciary of the House of Representatives and the Senate. The report shall include such recommendations as the Comptroller General considers appropriate for revisions of the policies, procedures, and methodologies used by the Judicial Conference that were reviewed in the report.

SEC. 206. EFFECTIVE DATE.

This title shall take effect on the date of enactment of this title.

TITLE III—IMPLEMENTATION OF FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

SEC. 301. SHORT TITLE.

This title may be cited as the "Federal Courts Study Committee Implementation Act of 1990".

SEC. 302. STUDY OF INTERCIRCUIT CONFLICTS AND STRUCTURAL ALTERNATIVES FOR THE COURTS OF APPEALS BY FEDERAL JUDICIAL CENTER.

(a) INTERCIRCUIT CONFLICTS.—The Board of the Federal Judicial Center is requested to conduct a study and submit to the Congress a report by January 1, 1992, on the number and frequency of conflicts among the judicial circuits in interpreting the law that remain unresolved because they are not heard by the Supreme Court.

(b) FACTORS TO CONSIDER IN STUDY.—In conducting such a study, the Center should

consider, to the extent feasible, all relevant factors, such as whether the conflict—

(1) imposes economic costs or other harm on persons engaging in interstate commerce; (2) encourages forum shopping among circuits;

(3) creates unfairness to litigants in different circuits, as in allowing Federal benefits in one circuit that are denied in other circuits; or

(4) encourages nonacquiescence by Federal agencies in the holdings of the courts of appeals for different circuits.

but are unlikely to be resolved by the Supreme Court.

(c) STRUCTURAL ALTERNATIVES FOR THE COURTS OF APPEALS.—The Board of the Federal Judicial Center is requested to study the full range of structural alternatives for the Federal Courts of Appeals and submit its report to the Congress and the Judicial Conference of the United States, no later than 2 years after the date of the enactment of this Act.

SEC. 302. EFFECT OF APPOINTMENT OF JUDGE AS DIRECTOR OF CERTAIN JUDICIAL BRANCH AGENCIES.

Section 133 of title 28, United States Code, is amended by adding at the end thereof the following:

(1) by inserting "(a)" before "The President"; and

(2) by adding at the end thereof the following:

"(b)(1) In any case in which a judge of the United States (other than a senior judge) assumes the duties of a full-time office of Federal judicial administration, the President shall appoint, by and with the advice and consent of the Senate, an additional judge for the court on which such judge serves. If the judge who assumes the duties of such full-time office leaves that office and resumes the duties as an active judge of the court, then the President shall not appoint a judge to fill the first vacancy which occurs thereafter in that court.

"(2) For purposes of paragraph (1), the term 'office of Federal judicial administration' means a position as Director of the Federal Judicial Center, Director of the Administrative Office of the United States Courts, administrative assistant to the Chief Justice."

SEC. 303. EXTENSION OF TERMS OF OFFICE OF BANKRUPTCY JUDGES.

Section 152(a) of title 28, United States Code, is amended by inserting after the third sentence the following: "However, upon the expiration of the term, a bankruptcy judge may, with the approval of the judicial council of the circuit, continue to perform the duties of the office until the earlier of the date which is 180 days after the expiration of the term or the date of the appointment of a successor."

SEC. 304. APPEALS OF JUDGMENTS, ORDERS, AND DECREES OF BANKRUPTCY COURTS.

Section 158(b) of title 28, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and

(2) by inserting after paragraph (1) the following:

"(2) If authorized by the Judicial Conference of the United States, the judicial councils of 2 or more circuits may establish a joint bankruptcy appellate panel comprised of bankruptcy judges from the districts within the circuits for which such panel is established, to hear and determine, upon the consent of all the parties, appeals under subsection (a) of this section."

SEC. 305. RETIREMENT SYSTEM FOR CLAIMS COURT JUDGES.

(a) NEW RETIREMENT SYSTEM.—(1) Chapter 7 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 174. Retirement of judges of the Claims Court

"(a) A judge of the United States Claims Court who retires from office after attaining the age and meeting the service requirements, whether continuously or otherwise, of this subsection shall, subject to subsection (f), be entitled to receive, during the remainder of the judge's lifetime, an annuity equal to the salary payable to Claims Court judges in regular active service. The age and service requirements for retirement under this subsection are as follows:

Attained Age:	Years of Service:
65.....	15
66.....	14
67.....	13
68.....	12
69.....	11
70.....	10.

"(b) A judge of the Claims Court who is not reappointed following the expiration of the term of office of such judge, and who retires upon the completion of such term shall, subject to subsection (f), be entitled to receive, during the remainder of such judge's lifetime, an annuity equal to the salary payable to Claims Court judges in regular active service, if—

"(1) such judge has served at least 1 full term as judge of the Claims Court, and

"(2) not earlier than 9 months before the date on which the term of office of such judge expired, and not later than 6 months before such date, such judge advised the President in writing that such judge was willing to accept reappointment as a judge of the Claims Court.

"(c) A judge of the Claims Court who has served at least 5 years, whether continuously or otherwise, as such a judge, and who retires or is removed from office upon the sole ground of mental or physical disability shall, subject to subsection (f), be entitled to receive, during the remainder of the judge's lifetime—

"(1) an annuity equal to 50 percent of the salary payable to Claims Court judges in regular active service, if before retirement such judge served less than 10 years, or

"(2) an annuity equal to the salary payable to Claims Court judges in regular active service, if before retirement such judge served at least 10 years.

"(d) A judge who retires under subsection (a) or (b), may, at or after such retirement, be called upon by the chief judge of the Claims Court to perform such judicial duties with the Claims Court as may be requested of the retired judge for any period or periods specified by the chief judge, except that in the case of any such judge—

"(1) the aggregate of such periods in any one calendar year shall not (without his consent) exceed 90 calendar days; and

"(2) he or she shall be relieved of performing such duties during any period in which illness or disability precludes the performance of such duties.

Any act, or failure to act, by an individual performing judicial duties pursuant to this subsection shall have the same force and effect as if it were the act (or failure to act) of a Claims Court judge in regular active service. Any individual performing judicial duties pursuant to this subsection shall receive the allowances for official travel and other expenses of a judge in regular active service.

"(e)(1) Any judge who retires under the provisions of subsection (a) or (b) of this section shall be designated 'senior judge'.

"(2) Any judge who retires under this section shall not be counted as a judge of the Claims Court for purposes of the number of judgeships authorized by section 171 of this title.

"(f)(1) A judge shall be entitled to an annuity under this section if the judge elects an annuity under this section by notifying the Director of the Administrative Office of the United States Courts in writing. Such an election—

"(A) may be made only while an individual is a judge of the Claims Court (except that in the case of an individual who fails to be reappointed as judge at the expiration of a term of office, such election may be made at any time before the day after the day on which his or her successor takes office); and

"(B) once made, shall, subject to subsection (k), be irrevocable.

"(2) A judge who elects to receive an annuity under this section shall not be entitled to receive—

"(A) any annuity to which such judge would otherwise have been entitled under subchapter III of chapter 83, or under chapter 84, of title 5, for service performed as a judge or otherwise;

"(B) an annuity or salary in senior status or retirement under section 371 or 372 of this title;

"(C) retired pay under section 7447 of the Internal Revenue Code of 1986; or

"(D) retired pay under section 4096 of title 38.

"(g) For purposes of calculating the years of service of an individual under subsections (a) and (c), only those years of service as a judge of the Claims Court or a commissioner of the United States Court of Claims shall be credited, and that portion of the aggregate number of years of such service that is a fractional part of 1 year shall not be credited if it is less than 6 months, and shall be credited if it is 6 months or more.

"(h) An annuity under this section shall be payable at the times and in the same manner as the salary of a Claims Court judge in regular active service. Such annuity shall begin to accrue on the day following the day on which the annuitant's salary as a judge in regular active service ceases to accrue.

"(i)(1) Payments under this section which would otherwise be made to a judge of the Claims Court based upon his or her service shall be paid (in whole or in part) by the Director of the Administrative Office of the United States Courts to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation. Any payment under this paragraph to a person bars recovery by any other person.

"(2) Paragraph (1) shall apply only to payments made by the Director of the Administrative Office of the United States Courts after the date of receipt by the Director of written notice of such decree, order, or agreement, and such additional information as the Director may prescribe.

"(3) As used in this subsection, the term 'court' means any court of any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands, and any Indian tribal court or court of Indian offense.

"(j)(1) Subject to paragraph (2), any judge of the Claims Court who retires under this

section and who thereafter in the practice of law represents (or supervises or directs the representation of) a client in making any civil claim against the United States or any agency thereof shall forfeit all rights to an annuity under this section for all periods beginning on or after the first day on which he so practices law.

"(2) If a judge of the Claims Court who retires under this section falls during any calendar year to perform judicial duties required of such judge by subsection (d), such judge shall forfeit all rights to an annuity under this section for the 1-year period which begins on the first day on which he or she so fails to perform such duties.

"(3) If a judge of the Claims Court who retires under this section accepts compensation for civil office or employment under the Government of the United States (other than the performance of judicial duties under subsection (d)), such judge shall forfeit all rights to an annuity under this section for the period for which such compensation is received.

"(4)(A) If a judge makes an election under this paragraph—

"(i) paragraphs (1) and (2) (and subsection (d)) shall not apply to such judge beginning on the date such election takes effect, and

"(ii) the annuity payable under this section to such judge, for periods beginning on or after the date such election takes effect, shall be equal to the annuity to which such judge is entitled on the day before such effective date.

"(B) An election under subparagraph (A)—

"(i) may be made by a judge only if such judge meets the age and service requirements for retirement under subsection (a),

"(ii) may be made only during the period during which such judge may make an election to receive an annuity under this section or while the judge is receiving an annuity under this section, and

"(iii) shall be filed with the Director of the Administrative Office of the United States Courts.

Such an election, once it takes effect, shall be irrevocable.

"(C) Any election under this paragraph shall take effect on the first day of the first month following the month in which the election is made.

"(k)(1) Notwithstanding subsection (f)(1)(B), an individual who has filed an election under subsection (f) to receive an annuity may revoke such election at any time before the first day on which such annuity would (but for such revocation) begin to accrue with respect to such individual.

"(2) Any revocation under this subsection shall be made by filing a notice thereof in writing with the Director of Administrative Office of the United States Courts.

"(3) In the case of any revocation under this subsection—

"(A) for purposes of this section, the individual shall be treated as not having filed an election under subsection (b) to receive an annuity,

"(B) for purposes of section 376 of this title—

"(i) the individual shall be treated as not having filed an election under section 376(a)(1), and

"(ii) section 376(g) shall not apply, and the amount credited to such individual's account (together with interest at 3 percent per annum, compounded on December 31 of each year to the date on which the revocation is filed) shall be returned to such individual,

"(C) no credit shall be allowed for any service as a judge of the Claims Court or as a commissioner of the United States Court of Claims with respect to such service

either there has been deducted and withheld the amount required by chapter 83 or 84 (as the case may be) of title 5 or there has been deposited in the Civil Service Retirement and Disability Fund an amount equal to the amount so required, with interest.

"(D) The Claims Court shall deposit in the Civil Service Retirement and Disability Fund an amount equal to the additional amount it would have contributed to such Fund but for the election under subsection (f), and

"(E) If subparagraph (D) is complied with, service on the Claims Court or as a commissioner of the United States Court of Claims shall be treated as service with respect to which deductions and contributions had been made during the period of service.

"(1)(1) There is established in the Treasury a fund which shall be known as the 'Claims Court Judges Retirement Fund'. The Fund is appropriated for the payment of annuities and other payments under this section.

"(2) The Secretary of the Treasury shall invest, in interest bearing securities of the United States, such currently available portions of the Claims Court Judges Retirement Fund as are not immediately required for payments from the Fund. The income derived from these investments constitutes a part of the Fund.

"(3)(A) There are authorized to be appropriated to the Claims Court Judges Retirement Fund amounts required to reduce to zero the unfunded liability of the Fund.

"(B) For purposes of subparagraph (A), the term 'unfunded liability' means the estimated excess, determined on an annual basis in accordance with the provisions of section 9503 of title 31, of the present value of all benefits payable from the Claims Court Judges Retirement Fund, over the balance in the Fund as of the date the unfunded liability is determined. In making any determination under this subparagraph, the Comptroller General shall use the applicable information contained in the reports filed pursuant to section 9503 of title 31, with respect to the retirement annuities provided for in this section.

"(C) There are authorized to be appropriated such sums as may be necessary to carry out this paragraph."

(2) The table of sections at the beginning of chapter 7 of title 28, United States Code, is amended by adding at the end the following new item:

"178. Retirement of judges of the Claims Court."

(b) JUDICIAL SURVIVORS' ANNUITIES.—(1) Section 376 of title 28, United States Code, is amended as follows:

(A) Subsection (a)(1) is amended—

(i) by striking out "or" at the end of subparagraph (E);

(ii) by adding "or" at the end of subparagraph (F);

(iii) by inserting after subparagraph (F) the following:

"(G) a judge of the United States Claims Court";

(iv) by striking out "or (v)" and inserting in lieu thereof "(v)"; and

(v) by inserting before the semicolon at the end thereof the following: ", or (vi) the date of the enactment of the Federal Court Study Committee Implementation Act of 1990, in the case of a full-time judge of the Claims Court in active service on that date".

(B) Subsection (a)(2) is amended—

(i) by striking out "and" at the end of subparagraph (E);

(ii) by adding "and" at the end of subparagraph (F); and

(iii) by adding at the end thereof the following:

"(G) in the case of a judge of the United States Claims Court, an annuity paid under section 178 of this title";

(C) Subsection (b) is amended in the last sentence by striking out "section 377" each place it appears and inserting in each such place "section 178 or 377".

(c) CIVIL SERVICE RETIREMENT SYSTEM.—(1) Section 8331 of title 5, United States Code, is amended—

(A) by striking out "and" at the end of paragraph (24);

(B) by striking out the period at the end of paragraph (25) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(26) 'Claims Court judge' means a judge of the United States Claims Court who is appointed under chapter 7 of title 28 or who has served under section 167 of the Federal Courts Improvement Act of 1982."

(2) Section 8334 of title 5, United States Code, is amended—

(A) in subsection (a)(1), by inserting "a Claims Court judge," after "Member."; and

(B) in subsection (c), by inserting at the end of the table the following:

Claims Court Judge.....	2½	August 1, 1920, to June 30, 1926.
	3½	July 1, 1926, to June 30, 1942.
	5	July 1, 1942, to June 30, 1948.
	6	July 1, 1948, to October 31, 1956.
	6½	November 1, 1956, to December 31, 1969.
	7	January 1, 1970, to September 30, 1988.
	8	After September 30, 1988."

(3) Section 8336(k) of title 5, United States Code, is amended to read as follows:

"(k) A bankruptcy judge, United States magistrate, or Claims Court judge who is separated from service, except by removal, after becoming 62 years of age and completing 5 years of civilian service, or after becoming 60 years of age and completing 10 years of service as a bankruptcy judge, United States magistrate, or Claims Court judge, is entitled to an annuity."

(4) Section 8339(n) of title 5, United States Code, is amended to read as follows:

"(n) The annuity of an employee who is a Claims Court judge, bankruptcy judge, or United States magistrate is computed, with respect to service as a Claims Court judge, as a commissioner of the Court of Claims, as a referee in bankruptcy, as a bankruptcy judge, as a United States magistrate, and as a United States commissioner and with respect to the military service of any such individual (not exceeding 5 years) creditable under section 8332 of this title, by multiplying 2½ percent of the individual's average pay by the years of that service."

(d) THRIFT SAVINGS PLAN.—(1) Subchapter III of chapter 84 of title 5, United States Code, is amended by adding at the end thereof the following:

"§ 8440b. Claims Court judges

"(a)(1) A judge of the United States Claims Court who is covered by section 178 of title 28 may elect to contribute an

amount of such individual's basic pay to the Thrift Savings Fund.

"(2) An election may be made under paragraph (1) only during a period provided under section 8432(b) for individuals subject to this chapter.

"(b)(1) Except as otherwise provided in this subsection, the provisions of this subchapter and subchapter VII shall apply with respect to Claims Court judges who make contributions to the Thrift Savings Fund under subsection (a) of this section.

"(2) The amount contributed by a Claims Court judge for any pay period shall not exceed 5 percent of basic pay for such pay period.

"(3) No contributions shall be made under section 8432(c) of this title for the benefit of a Claims Court judge making contributions under subsection (a) of this section.

"(4) Section 8433(b) of this title applies to a Claims Court judge who elects to make contributions to the Thrift Savings Fund under subsection (a) of this section and who retires entitled to an annuity under section 178 of title 28 (including a disability annuity under subsection (d) of such section).

"(B) Section 8433(d) of this title applies to any Claims Court judge who elects to make contributions to the Thrift Savings Fund under subsection (a) of this section and who retires before becoming entitled to an annuity under section 178 of title 28.

"(5) With respect to Claims Court judges to whom this section applies, retirement under section 178 of title 28 is a separation from service for purposes of this subchapter and subchapter VII.

"(6) For purposes of this section, the terms 'retirement' and 'retire' include removal from office under section 178(c) of title 28 on the sole ground of mental or physical disability.

"(7) Sums contributed pursuant to this section by Claims Court judges, as well as all previous contributions to the Thrift Savings Fund by those judges, and earnings attributable to such sums and contributions, may be invested and reinvested only in the Government Securities Investment Fund established under section 8438(b)(1)(A) of this title.

"(8) In the case of a Claims Court judge who receives a distribution from the Thrift Savings Plan and who later receives an annuity under section 178 of title 28, such annuity shall be offset by an amount equal to the amount which represents the Government's contribution to that person's Thrift Savings Account, without regard to earnings attributable to that amount. Where such an offset would exceed 50 percent of the annuity to be received in the first year, the offset may be divided equally over the first 2 years in which that person receives the annuity."

"(2) The table of sections at the beginning of chapter 64 of title 5, United States Code, is amended by adding at the end thereof the following:

"6440b. Claims Court Judges."

(e) TECHNICAL AND CONFORMING AMENDMENTS.—(1)(A) Section 402(1) of the Judicial Improvements and Access to Justice Act (102 Stat. 4650) is amended by striking out "redesignating paragraph (18)" and inserting in lieu thereof "redesignating paragraph (19)".

(B) Section 604(a) of title 28, United States Code, (relating to the duties of the Director of the Administrative Office of the United States Courts), as amended pursuant to the amendment made by subparagraph (A) of this paragraph, is amended—

(i) In paragraph (7) by inserting "Judges of the United States Claims Court," after "Judges of the United States,";

(ii) In paragraph (22) by adding "; and" after the semicolon;

(iii) by redesignating paragraph (23) as paragraph (24); and

(iv) by inserting after paragraph (22) the following:

"(23) Regulate and pay annuities to judges of the United States Claims Court in accordance with section 178 of this title; and"

(2) Section 8334(l) of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(5) Notwithstanding any other provision of law, a judge of the United States Claims Court who is covered by section 178 of title 28 shall not be subject to deductions and contributions to the Fund if the judge notifies the Director of the Administrative Office of the United States Courts of an election of a retirement annuity under those provisions. Upon such an election, the judge shall be entitled to a lump-sum credit under section 8342(a) of this title."

(3) Section 8402 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(g) A judge of the United States Claims Court who is covered by section 178 of title 28 shall be excluded from the operation of this chapter, other than subchapters III and VII of such chapter if the judge notifies the Director of the Administrative Office of the United States Courts of an election of a retirement annuity under those provisions. Upon such election, the judge shall be entitled to a lump-sum credit under section 8424 of this title."

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to judges of, and senior judges in active service with, the United States Claims Court on or after the date of the enactment of this Act.

SEC. 307. APPOINTMENT OF DIRECTOR AND DEPUTY DIRECTOR OF THE ADMINISTRATIVE OFFICE.

Section 601 of title 28, United States Code, is amended in the second sentence by striking out "Supreme Court" and inserting in lieu thereof "Chief Justice of the United States, after consulting with the Judicial Conference".

SEC. 308. MAGISTRATES.

(a) CONSENT TO TRIAL IN CIVIL ACTIONS.—Section 636(c)(2) of title 28, United States Code, is amended—

(1) in the first sentence, by striking out "their right to consent to the exercise of" and inserting in lieu thereof "the availability of a magistrate to exercise"; and

(2) by striking out the third sentence and inserting in lieu thereof the following: "Thereafter, either the district court judge or the magistrate may again advise the parties of the availability of the magistrate, but in so doing, shall also advise the parties that they are free to withhold consent without adverse substantive consequences."

(b) EXTENSION OF TERMS OF OFFICE OF MAGISTRATES.—Section 631(f) of title 28, United States Code, is amended by striking out "60" and inserting in lieu thereof "180".

SEC. 309. APPEAL OF CERTAIN DETERMINATIONS RELATING TO BANKRUPTCY CASES.

(a) ABSTENTION DETERMINATIONS UNDER TITLE 11, UNITED STATES CODE.—Section 305(c) of title 11, United States Code, is amended by inserting before the period the following: "by the court of appeals under section 158(d), 1291, or 1292 of this title or by the Supreme Court of the United States under section 1254 of this title".

(b) ABSTENTION DETERMINATIONS UNDER TITLE 28, UNITED STATES CODE.—The second sentence of section 1334(c)(2) of title 28, United States Code, is amended—

(1) by inserting "or not to abstain" after "to abstain", and

(2) by inserting the following before the period: "by the court of appeals under section 158(d), 1291, or 1292 of this title or by the Supreme Court of the United States under section 1254 of this title".

(c) REMAND DETERMINATIONS UNDER TITLE 28, UNITED STATES CODE.—The second sentence of section 1452(b) of title 28, United States Code, is amended by inserting the following before the period: "by the court of appeals under section 153(d), 1291, or 1292 of this title or by the Supreme Court of the United States under section 1254 of this title".

SEC. 310. SUPPLEMENTAL JURISDICTION.

(a) GRANT OF JURISDICTION.—Chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1367. Supplemental jurisdiction

"(a) Except as provided in subsections (b) and (c) or as expressly provided otherwise by Federal statute, in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution. Such supplemental jurisdiction shall include claims that involve the joinder or intervention of additional parties.

"(b) In any civil action of which the district courts have original jurisdiction founded solely on section 1332 of this title, the district courts shall not have supplemental jurisdiction under subsection (a) over claims by plaintiffs against persons made parties under Rule 14, 19, 20, or 24 of the Federal Rules of Civil Procedure, or over claims by persons proposed to be joined as plaintiffs under Rule 19 of such rules, or seeking to intervene as plaintiffs under Rule 24 of such rules, when exercising supplemental jurisdiction over such claims would be inconsistent with the jurisdictional requirements of section 1332.

"(c) The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if—

"(1) the claim raises a novel or complex issue of State law,

"(2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction,

"(3) the district court has dismissed all claims over which it has original jurisdiction, or

"(4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction.

"(d) The period of limitations for any claim asserted under subsection (a), and for any other claim in the same action that is voluntarily dismissed at the same time as or after the dismissal of the claim under subsection (a), shall be tolled while the claim is pending and for a period of 30 days after it is dismissed unless State law provides for a longer tolling period.

"(e) As used in this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"1367. Supplemental jurisdiction."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to civil actions commenced on or after the date of the enactment of this Act.

SEC. 310. VENUE.

Section 1391 of title 28, United States Code, is amended—

(1) in subsection (a), by striking out “the judicial district” and all that follows through “arose” and inserting in lieu thereof the following: “(1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which the defendants are subject to personal jurisdiction at the time the action is commenced”;

(2) in subsection (b), by striking out “may be brought” and all that follows through “law” and inserting in lieu thereof the following: “may, except as otherwise provided by law, be brought only if (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought”;

(3) in subsection (e) by striking out “or (2)” and all that follows through “(4)”, and inserting in lieu thereof “(2) a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3)”.

SEC. 312. REMOVAL OF SEPARATE AND INDEPENDENT CLAIMS.

Section 1441(c) of title 28, United States Code, is amended—

(1) by striking out “, which would be removable if sued upon alone” and inserting in lieu thereof “within the jurisdiction conferred by section 1331 of this title”; and

(2) by striking out “remand all matters not otherwise within its original jurisdiction” and inserting in lieu thereof “may remand all matters in which State law predominates”.

SEC. 313. STATUTE OF LIMITATIONS.

(a) **IN GENERAL.**—Chapter 111 of title 28, United States Code, is amended by adding at the end thereof the following:

“§ 1658. Time limitations on the commencement of civil actions arising under Acts of Congress
“Except as otherwise provided by law, a civil action arising under an Act of Congress enacted after the date of the enactment of this section may not be commenced later than 4 years after the cause of action accrues.”

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections at the beginning of chapter 111 of title 28, United States Code, is amended by adding at the end thereof the following new item:

“1658. Time limitations on the commencement of civil actions arising under Acts of Congress.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to causes of action accruing on or after the date of the enactment of this Act.

SEC. 314. WITNESS AND JUROR FEES.

(a) **WITNESS FEES.**—Section 1821(b) of title 28, United States Code, is amended by striking out “\$30” and inserting in lieu thereof “\$40”.

(b) **JUROR FEES.**—Section 1871(b) of title 28, United States Code, is amended—

(1) in paragraph (1) by striking out “\$30” and inserting in lieu thereof “\$40”;

(2) in paragraph (2) by striking out “\$5” and inserting in lieu thereof “\$10”; and

(3) in paragraph (3) by striking out “\$5” and inserting in lieu thereof “\$10”.

SEC. 315. POWER OF SUPREME COURT TO DEFINE FINAL DECISION FOR PURPOSES OF SECTION 1291 OF TITLE 28, UNITED STATES CODE.

Section 2072 of title 28, United States Code, is amended by adding at the end thereof the following:

“(c) Such rules may define when a ruling of a district court is final for the purposes of appeal under section 1291 of this title.”.

SEC. 316. EXTENSION OF LIFE OF PAROLE COMMISSION.

For the purposes of section 235(b) of Public Law 95-473 as it relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to “five years” or a “five-year period” shall be deemed a reference to “ten years” or a “ten-year period”, respectively.

SEC. 317. BANKRUPTCY ADMINISTRATOR PROGRAM.

(a) **EXTENSION.**—Section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-554; 28 U.S.C. 581 note) is amended—

(1) in subparagraph (A)(ii), by striking out “October 1, 1992” and inserting in lieu thereof “October 1, 2002”;

(2) in subparagraph (F)(i)(II), by striking out “October 1, 1992” and inserting in lieu thereof “October 1, 2002”;

(3) in subparagraph (F)(i), by striking out “October 1, 1993” and inserting in lieu thereof “October 1, 2003”; and

(4) in subparagraph (F)(ii), by striking out “October 1, 1993” and inserting in lieu thereof “October 1, 2003”.

(b) **STANDING.**—A bankruptcy administrator may raise and may appear and be heard on any issue in any case under title 11, United States Code, but may not file a plan pursuant to section 1121(c) of such title.

(c) **POWER OF THE COURT.**—Section 302(d)(3)(A)(ii) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986, as amended by subsection (a), is further amended by inserting before the period at the end thereof the following: “, except that the amendment to section 105(a) of title 11, United States Code, shall become effective as of the date of the enactment of the Federal Courts Study Committee Implementation Act of 1990”.

SEC. 318. STUDY OF FEDERAL DEFENDER PROGRAM.

(a) **STUDY REQUIRED.**—The Judicial Conference of the United States shall conduct a study of the Federal defender program under the Criminal Justice Act of 1964, as amended (enacting section 3006A of title 18, United States Code).

(b) **ASSESSMENT OF PROGRAM.**—In conducting the study, the Judicial Conference shall assess the effectiveness of the Federal defender program, including the following:

(1) The impact of judicial involvement in the selection and compensation of the Federal public defenders and the independence of Federal defender organizations, including the establishment and termination of Federal defender organizations and the Federal public defender and the community defender options.

(2) Equal employment and affirmative action procedures in the various Federal defender programs.

(3) Judicial involvement in the appointment and compensation of panel attorneys and experts.

(4) Adequacy of compensation for legal services provided under the Criminal Justice Act of 1964.

(5) The quality of the Criminal Justice Act of 1964 representation.

(6) The adequacy of administrative support for defender services programs.

(7) Maximum amounts of compensation for attorneys with regard to appeals of habeas corpus proceedings.

(8) Contempt, sanctions, and malpractice representation of panel attorneys.

(9) Appointment of counsel in multidistrict cases.

(10) Early appointment of counsel in general, and prior to the pretrial services interview in particular.

(11) The method and source of payment of the fees and expenses of fact witnesses for defendants with limited funds.

(12) The provisions of services or funds to financially eligible arrested but unconvicted persons for noncustodial transportation and subsistence expenses, including food and lodging, both prior to and during judicial proceedings.

(c) **REPORT.**—No later than March 31, 1992, the Judicial Conference shall transmit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the results of the study required under subsection (a). The report shall include—

(1) any recommendations for legislation that the Judicial Conference finds appropriate;

(2) a proposed formula for the compensation of Federal defender program counsel that includes an amount to cover reasonable overhead and a reasonable hourly fee; and

(3) a discussion of any procedural or operational changes that the Judicial Conference finds appropriate for implementation by the courts of the United States.

SEC. 319. AMENDMENTS TO THE ETHICS IN GOVERNMENT ACT OF 1978.

Section 502 of the Ethics in Government Act of 1978 (5 U.S.C. App.), as amended by the Ethics Reform Act of 1989, is amended—

(1) by inserting “(a) **LIMITATIONS.**—” before the first sentence; and

(2) by adding at the at the end thereof the following new subsection:

“(b) **SENIOR JUDGES TEACHING COMPENSATION.**—Any compensation for teaching received by a senior judge (as designated under section 294(b) of title 28, United States Code) approved under subsection (a)(5) of this section shall not be treated as outside earned income for the purpose of the limitation under section 501(a).”.

SEC. 320. BIENNIAL CIRCUIT JUDICIAL CONFERENCE.

The first paragraph of section 333 of title 28, United States Code, is amended—

(1) in the first sentence, by striking out “annually” and inserting “biennially, and may summon annually.”; and

(2) in the last sentence—

(A) by striking out “the United States District Court for the District of the Canal Zone.”; and

(B) by striking out “and the District Court of the Virgin Islands shall also be summoned annually” and inserting in lieu thereof “the District Court of the Virgin Islands, and the District Court of the Northern Mariana Islands shall also be summoned biennially, and may be summoned annually.”.

SEC. 321. CHANGE OF NAME OF UNITED STATES MAGISTRATES.

After the enactment of this Act, each United States magistrate appointed under section 631 of title 28, United States Code, shall be known as a United States magistrate judge, and any reference to any United States magistrate or magistrate that is contained in title 28, United States Code, in any other Federal statute, or in any regulation of any department or agency of the United States in the executive branch that was issued before the enactment of this Act, shall be deemed to refer to a United States magistrate judge appointed under section 631 of title 28, United States Code.

SEC. 322. LENGTH OF SERVICE REQUIRED FOR ELIGIBILITY UNDER THE JUDICIAL SURVIVORS' ANNUITIES ACT.

(a) **ELIGIBILITY IN CASE OF DEATH BY ASSASSINATION.**—Section 376(h)(1) of title 28, United States Code, is amended—

(1) in the matter preceding subparagraph (A)—

(A) by inserting "(A)" before "after having completed"; and

(B) by inserting after "have actually been made" the following: ", or (B) if the death of such judicial official was by assassination, before having satisfied the requirements of clause (A) if, for the period of such service, the deductions provided by subsection (b) or, in lieu thereof, the deposits required by subsection (d) have actually been made";

(2) by redesignating existing subparagraph (A) as clause (i);

(3) in existing subparagraph (B)—

(A) by striking out "(B)" and inserting in lieu thereof "(ii)";

(B) by striking out "(i)" and inserting in lieu thereof "(i)"; and

(C) by striking out "(ii)" and inserting in lieu thereof "(ii)";

(4) in existing subparagraph (C)—

(A) by striking out "(C)" and inserting in lieu thereof "(ii)";

(B) in clause (i)—

(i) by striking out "(i)" and inserting in lieu thereof "(i)";

(ii) by striking out "subparagraph (1)(A) of this subsection" and inserting in lieu thereof "clause (i) of this paragraph";

(iii) by striking out "(ii)" and inserting in lieu thereof "(ii)"; and

(iv) by striking out "(iii)" and inserting in lieu thereof "(iii)"; and

(5) by adding at the end of subsection (h) the following:

"(6) In the case of the survivor or survivors of a judicial official to whom paragraph (1)(B) applies, there shall be deducted from the annuities otherwise payable under this section an amount equal to the amount of salary deductions that would have been made if such deductions had been made for 18 months prior to the judicial official's death."

(b) **DEFINITION OF ASSASSINATION.**—Section 376(a) of title 28, United States Code, is amended—

(1) in paragraph (5)(C) by striking out "and" after the semicolon;

(2) in paragraph (6) by striking out the period and inserting in lieu thereof "; and"; and

(3) by inserting at the end the following new paragraph:

"(7) 'assassinated' and 'assassination' mean the killing of a judicial official described in paragraph (1) (A), (B), (F), or (G) of this section that is motivated by the performance by that judicial official of his or her official duties."

(c) **DETERMINATION OF ASSASSINATION BY DIRECTOR.**—Section 376(i) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(i)"; and

(2) by adding at the end thereof the following:

"(2) The Director of the Administrative Office of the United States Courts shall determine whether the killing of a judicial official was an assassination, subject to review only by the Judicial Conference of the United States. The head of any Federal agency that investigates the killing of a judicial official shall provide information to the Director that would assist the Director in making such determination."

(d) **COMPUTATION OF WINDOW'S AND WIDOW'S ANNUITY.**—Section 376(d)(1)(ii) of title 28, United States Code, is amended by striking out "but more than eighteen months,"

(e) **REFUND OF CONTRIBUTIONS TO FUND.**—Section 376(o) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(o)";

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(3) in subparagraph (A) as so redesignated, by inserting "subject to paragraph (2) of this subsection," before "before having completed"; and

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

"(2) In cases in which a judicial official dies as a result of assassination and leaves a survivor or survivors who are entitled to receive the annuity benefits provided by subsection (h) or (i) of this section, paragraph (1)(A) of this subsection shall not apply."

(f) **OTHER BENEFITS.**—Section 376 of title 28, United States Code, is amended by adding at the end thereof the following:

"(g) In the case of a judicial official who is assassinated, an annuity shall be paid under this section notwithstanding a survivor's eligibility for or receipt of benefits under chapter 81 of title 5, except that the annuity for which a surviving spouse is eligible under this section shall be reduced to the extent that the total benefits paid under this section and chapter 81 of title 5 for any year would exceed the current salary for that year of the office of the judicial official."

(g) **EFFECTIVE DATE AND TRANSITION.**—

(1) **EFFECTIVE DATE.**—Subject to paragraph (2), the amendments made by this Act shall apply to all judicial officials assassinated on or after May 28, 1979.

(2) **RULES FOR RETROACTIVE APPLICATION.**—

(A) In the case of a judicial official who was assassinated on or after May 28, 1979, and before the date of the enactment of this Act, if the salary deductions provided by subsection (b) of section 376 of title 28, United States Code, or the deposits required by subsection (d) of such section, have been withdrawn pursuant to subsection (e) of such section, there shall be deducted from the annuities otherwise payable to the survivor or survivors of such judicial official, and the payment authorized by subparagraph (C) of this paragraph, an amount equal to the amount so withdrawn, with interest on the amount withdrawn at 3 percent per annum compounded on December 31 of each year.

(B) In the case of the survivor or survivors of a judicial official to whom this paragraph applies who had less than 18 months of service before being assassinated, there shall be deducted from the annuities otherwise payable to the survivor or survivors of such judicial official, and the payment authorized by subparagraph (C) of this paragraph, an amount equal to the amount of salary deductions that would have been made if such deductions had been made for 18 months before the judicial official's death, plus interest as described in subparagraph (A).

(C) Subject to subparagraphs (A) and (B), the survivor or survivors of a judicial official to whom this paragraph applies shall be entitled to the payment of annuities they would have received under section 376 of title 28, United States Code, for the period beginning on the date such judicial official was assassinated and ending the date of the enactment of this Act. The Secretary of the Treasury shall pay into the Judicial Survivors' Annuities fund, out of any money in the Treasury not otherwise appropriated, the amount of the annuities to which the survivor or survivors are entitled under this subparagraph.

(3) **DEFINITION.**—For purposes of this subsection, the term—

(A) "assassinated" and "assassination" have the meanings given those terms in section 376(a)(7) of title 28, United States Code, as added by this section; and

(B) "judicial official" has the meaning given that term in section 376(a)(1)(A) and (B) of title 28, United States Code.

(g) **CONFORMING AMENDMENTS.**—Section 376 of title 28, United States Code, is amended as follows:

(1) Subsection (h) is amended—

(A) in paragraph (2) by striking out "subparagraphs (1)(A) or (1)(B)" and inserting in lieu thereof "clause (i) or (ii) of paragraph (1)";

(B) in paragraph (3) by striking out "subparagraph" each place it appears and inserting in each such place "paragraph";

(C) in paragraph (4)—

(i) by striking out "subparagraph (1)(B)" each place it appears and inserting in each such place "paragraph (1)(B)"; and

(ii) by striking out "subparagraph (1)(C)" and inserting in lieu thereof "paragraph (1)(ii)";

(2) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(3) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(4) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(5) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(6) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(7) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(8) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(9) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(10) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(11) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(12) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(13) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(14) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(15) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(16) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(17) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(18) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(19) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(20) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(21) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(22) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(23) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(24) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(25) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(26) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(27) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(28) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(29) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(30) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(31) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(32) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(33) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(34) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(35) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(36) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(37) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(38) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(39) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(40) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(41) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(42) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(43) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(44) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(45) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(46) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(47) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(48) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(49) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

(50) Subsection (a)(5)(C) is amended by striking out "subparagraph" and inserting in lieu thereof "paragraph";

SEC. 325. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) TITLE 9, UNITED STATES CODE.—

(1) The section 15 of title 9, United States Code, that is designated "Appeals" is amended by redesignating such section as section 16.

(2) The table of sections at the beginning of chapter 1 of title 9, United States Code, is amended by striking out

"15. Appeals,"
and inserting in lieu thereof

"15. Inapplicability of the Act of State doctrine.

"16. Appeals."

(b) TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended as follows:

(1) Section 332(f)(1) is amended by striking out "(5 U.S.C. 5316)" and inserting in lieu thereof "under section 5315 of title 5".

(2) Section 375(a)(1) is amended by striking out "377 of title" and inserting in lieu thereof "377 of this title".

(3) Section 377 is amended—

(A) In subsection (f) by striking out "any annuity to which" and all that follows through the end of the subsection and inserting in lieu thereof the following:

"(1) any annuity to which such judge or magistrate would otherwise have been entitled under subchapter III of chapter 83, or under chapter 84 (except for subchapters III and VII), of title 5, for service performed as such a judge or magistrate or otherwise;

"(2) an annuity or salary in senior status or retirement under section 371 or 372 of this title;

"(3) retired pay under section 7447 of the Internal Revenue Code of 1986; or

"(4) retired pay under section 4096 of title 38."; and

(B) In subsection (h) by striking out "in or after" and inserting in lieu thereof "on or after".

(4) Section 602(b) is amended by striking out "604(a)(15)(B)" and inserting in lieu thereof "604(a)(16)(B)".

(5) Section 995(a)(22) is amended by striking out "and" after the semicolon.

(6) Section 996(b) is amended by striking out "89 (Health Insurance), and 91 (Conflicts of Interest)" and inserting in lieu thereof "and 89 (Health Insurance)".

(7) Section 1499 is amended by inserting "and Safety" after "Hours".

(8) Section 1605(a)(6) is amended by striking out "State" and inserting in lieu thereof "state".

(9) Section 1610 is amended—

(A) In subsection (a)(6) by striking out "State" and inserting in lieu thereof "state"; and

(B) In subsection (e) by striking out "State" and inserting in lieu thereof "state".

(c) OTHER PROVISIONS OF LAW.—(1) Section 1011 of the Judicial Improvements and Access to Justice Act (102 Stat. 4668) is amended—

(A) by striking out "inserting a comma in lieu of the semicolon at the end thereof and adding thereafter" and inserting in lieu thereof "at the end"; and

(B) by striking out "Provided, That" and inserting in lieu thereof "except that".

(2) Section 204(b)(5)(A)(ii) of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989 (102 Stat. 2201) is amended by striking out "whichever, occurs later," and inserting in lieu thereof "whichever occurs later".

TITLE IV—JUDICIAL DISCIPLINE AND JUDICIAL REMOVAL.

SEC. 401. SHORT TITLE.

This title may be cited as the "Judicial Discipline and Removal Reform Act of 1990".

Subtitle I—Judicial Discipline

SEC. 402. AMENDMENTS TO JUDICIAL COUNCILS REFORM AND JUDICIAL CONDUCT AND DISABILITY ACT OF 1986.

(a) IDENTIFICATION OF COMPLAINTS BY CHIEF JUDGE.—Paragraph (1) of section 372(c) of title 28, United States Code, is amended by adding at the end thereof the following: "In the interests of the effective and expeditious administration of the business of the courts and on the basis of information available to the chief judge of the circuit, the chief judge may, by written order stating reasons therefor, identify a complaint for purposes of this subsection and thereby dispense with filing of a written complaint."

(b) MEMBERSHIP OF SPECIAL INVESTIGATIVE COMMITTEES.—Paragraph (4) of section 372(c) of such title is amended by adding at the end thereof the following: "A judge appointed to a special committee under this paragraph may continue to serve on that committee after becoming a senior judge or, in the case of the chief judge of the circuit, after his term as chief judge terminates under subsection (a)(3) or (c) of section 45 of this title. If a judge appointed to a committee under this paragraph dies, or retires from office under section 371(a) of this title, while serving on the committee, the chief judge of the circuit may appoint another circuit or district judge, as the case may be, to the committee."

(c) PUBLIC AVAILABILITY OF IMPEACHMENT RECOMMENDATION.—(1) Paragraph (8) of section 372(c) of such title is amended by adding at the end thereof the following sentence: "Upon receipt of the determination and record of proceedings in the House of Representatives, the Clerk of the House of Representatives shall make available to the public the determination and any reasons for the determination."

(2) Paragraph (14) of such section is amended—

(A) by striking out "All" and inserting in lieu thereof "Except as provided in paragraph (8), all";

(B) by striking out "unless" and inserting in lieu thereof "except to the extent that";

(C) in subparagraph (B) by inserting "such disclosure is" before "authorized";

(D) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(E) by inserting the following new subparagraph (A) immediately before subparagraph (B) (as so redesignated):

"(A) the judicial council of the circuit in its discretion releases a copy of a report of a special investigative committee under paragraph (5) to the complainant whose complaint initiated the investigation by that special committee and to the judge or magistrate whose conduct is the subject of the complaint;"

(d) IMPEACHMENT RECOMMENDATIONS WITH RESPECT TO CONVICTED JUDGES.—Section 372(c) of such title is further amended in paragraph (8)—

(1) by inserting "(A)" after "(8)"; and

(2) by adding at the end thereof the following:

"(B) If a judge or magistrate has been convicted of a felony and has exhausted all means of obtaining direct review of the conviction, or the time for seeking further direct review of the conviction has passed and no such review has been sought, the Judicial Conference may, by majority vote and

without referral or certification under paragraph (7), transmit to the House of Representatives a determination that consideration of impeachment may be warranted, together with appropriate court records, for whatever action the House of Representatives considers to be necessary."

(e) RULES BY JUDICIAL CONFERENCE AND JUDICIAL COUNCILS.—Paragraph (11) of section 372(c) of such title is amended by adding at the end thereof the following: "No rule promulgated under this subsection may limit the period of time within which a person may file a complaint under this subsection."

(f) CONCLUSION OF PROCEEDINGS BY CHIEF JUDGE.—Paragraph (3)(B) of section 372(c) of such title is amended by inserting before the period of time within which a person may file a complaint is no longer necessary because of intervening events."

(g) DISMISSAL OF COMPLAINTS BY JUDICIAL COUNCILS.—Paragraph (6) of section 372(c) of such title is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

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

"(C) may dismiss the complaint; and".

(h) REIMBURSEMENT FOR EXPENSES AND ATTORNEYS' FEES.—Section 372(c) of such title is further amended—

(1) by redesignating paragraphs (16) and (17) as paragraphs (17) and (18); and

(2) by inserting after paragraph (15) the following new paragraph:

"(16) Upon the request of a judge or magistrate whose conduct is the subject of a complaint under this subsection, the judicial council may, if the complaint has been finally dismissed under paragraph (6)(C), recommend that the Director of the Administrative Office of the United States Courts award reimbursement, from funds appropriated to the Federal Judiciary, for those reasonable expenses, including attorneys' fees, incurred by that judge or magistrate during the investigation which would not have been incurred but for the requirements of this subsection."

(i) TECHNICAL CORRECTIONS.—(1) Paragraph (7)(B) of section 372(c) of such title is amended—

(A) by striking out "has engaged in conduct" and inserting in lieu thereof "may have engaged in conduct"; and

(B) in clause (i) by striking out "article I" and inserting in lieu thereof "article II".

(2) Paragraph (14)(C) of such section, as redesignated by subsection (c)(2)(D) of this section, is amended by striking out "subject to the complaint" and inserting in lieu thereof "subject of the complaint".

SEC. 403. CONTEMPT POWER FOR CIRCUIT COUNCILS.

Section 332(d)(2) of title 28, United States Code, is amended by adding at the end thereof the following: "In the case of failure to comply with an order made under this subsection or a subpoena issued under section 372(c) of this title, a judicial council or a special committee appointed under section 372(c)(4) of this title may institute a contempt proceeding in any district court in which the judicial officer or employee of the circuit who fails to comply with the order made under this subsection shall be ordered to show cause before the court why he or she should not be held in contempt of court."

SEC. 404. AMENDMENT TO OATH OF JUSTICES AND JUDGES.

Section 453 of title 28, United States Code, is amended by striking out "according to the