

**Calendar No. 568**

102D CONGRESS } SENATE { REPORT  
2d Session } 102-342

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**FEDERAL COURTS STUDY COMMITTEE IMPLEMENTATION  
ACT**

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JULY 27 (legislative day, JULY 23), 1992.—Ordered to be printed

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Mr. BIDEN, from the Committee on the Judiciary,  
submitted the following

**R E P O R T**

[To accompany S. 1569]

The Committee on the Judiciary, to which was referred the bill (S. 1569) to implement the recommendations of the Federal Courts Study Committee, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute, and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

That this Act may be cited as the "Federal Courts Study Committee Implementation Act of 1992".

(i) by striking out "served at least fifteen years," and inserting in lieu thereof "at least fifteen years of service,"; and

(ii) by striking out "served less than fifteen years," and inserting in lieu thereof "less than fifteen years of service,".

(b) JUDICIAL RETIREMENT FUNDS.—Section 255(g)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(B)) is amended by inserting after "Judicial survivors' annuities fund (10-8110-0-7-602);" the following:

"Judicial Officers' Retirement Fund (10-8122-0-7-602);  
Claims Court Judges' Retirement Fund (10-8124-0-7-602);".

(c) JUDICIARY TRUST FUNDS.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by inserting after "Payment to civil service retirement and disability fund (24-0200-0-1-805);" the following:

"Payment to Judiciary Trust Funds (10-0941-0-1-752);".

**SEC. 602. FULL-TIME STATUS OF COURT REPORTERS.**

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

**SEC. 603. FEDERAL JUDICIAL CENTER.**

(a) FUNCTIONS.—Subsection 620(b) of title 28, United States Code, is amended—

(1) in paragraph (4) by striking out "and" at the end thereof;

(2) in paragraph (5) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

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

"(6) insofar as may be consistent with the performance of the other functions set forth in this section, to cooperate with and assist agencies of the Federal Government and other appropriate organizations in providing information and advice to further improvement in the administration of justice in the courts of foreign countries and to acquire information about judicial administration in foreign countries that may contribute to performing the other functions set forth in this section."

(b) COMPENSATION.—Subsection 625(b) of title 28, United States Code, is amended by inserting, after "section 5316, title 5, United States Code", and before the colon, the following language: ", except the Director may fix the compensation of no more than 5 percent of the authorized positions of the Center at a level not to exceed the annual rate of basic pay of level IV of such pay rates".

(c) CLERICAL COMPENSATION.—Subsection 625(c) of title 28, United States Code, is amended by striking out "competitive service and" and inserting in lieu thereof "competitive service without regard to"

## TITLE VII—CRIMINAL LAW

**SEC. 701. AUTHORITY TO LIMIT COLLECTION OF PRETRIAL INFORMATION IN CLASS A MISDEMEANOR CASES.**

Section 3154(1) of title 18, United States Code, is amended by inserting before the period "; except that a district court may direct that pretrial services not collect, verify, and report such information on individuals charged with Class A misdemeanors as defined in section 3559(a)(6) of this title"

**SEC. 702. NEW AUTHORITY FOR PROBATION AND PRETRIAL SERVICES OFFICERS.**

(a) Section 3603 of title 18, United States Code, is amended—

(1) in paragraph (7) by striking out "and" at the end thereof;

(2) by redesignating paragraph (8) as paragraph (10) and inserting after paragraph (7) the following new paragraphs:

"(8)(A) when directed by the court, and to the degree required by the regimen of care or treatment ordered by the court as a condition of release, keep informed as to the conduct and provide supervision of a person conditionally released under the provisions of sections 4243 and 4246 of this title, and report such person's conduct and condition to the court ordering release and to the Attorney General or his designee; and

"(B) immediately report any violation of the conditions of release to the court and the Attorney General or his designee;

(b) maintain records of the actual hours worked on Federal business and work a minimum of 2080 hours per year on that business.

In order that annuities not be reduced solely due to the lack of a regularly scheduled tour of duty if the reporter is paid a full salary as fixed by the Judicial Conference, the Conference, at its September 1988 session, recommended the proposed legislative change to define court reporters as "full-time" employees for annuity purposes if they are paid full-time salaries.

*Section 603. Federal Judicial Center*

Subsection (a) would specifically authorize the Federal Judicial Center, the research and education agency of the Federal courts, to provide briefings and other assistance to judges and other officials of foreign countries who are referred to it by other Federal agencies, by various private organizations, or by direct contact from the country in question. This assistance requires no resources other than occasional staff time and modest hospitality provided through the Center's representation fund. The number of foreign visitors has increased in the last 2 years (as changes have taken place in Eastern Europe and elsewhere) reflecting judges' and legal officials' interest in applying the United States' experience to their countries' efforts to promote the rule of law. At the Center, visitors learn about the United States legal system, the Federal court system, or the work of the Judicial Center, and Center personnel learn about judicial administration techniques that have proven successful in other countries. The Center may provide one or two foreign judges per year with brief residencies at the Center to observe and participate in its work (although the center provides them no salaries, expenses, or travel costs).

Subsection (b) would authorize the Director of the Federal Judicial Center to set the compensation of a limited number of Center professional employees at levels equivalent to level IV of the Executive Schedule pay rates. This provision restores the historic parity in the salary levels of the Center's senior staff and those of its sister agency, the Administrative Office of the United States Courts (as well as with the SES structure in comparable executive branch agencies). The proposed amendment is drawn directly from Section 3(a)(10) of the Administrative Office of the United States Courts Personnel Act of 1990.

Subsection (c) would allow the Federal Judicial Center to impose a technical adjustment in the salary schedule for its secretarial and clerical personnel. Under the current statute, the salaries of Center secretarial and clerical personnel are determined by the General Schedule pay rates; the Center's 28 secretarial and clerical employees are the only employees in the entire judicial branch whose salary is so determined. All other Center employees are compensated according to the Center's own salary schedule.

**§ 620. Federal Judicial Center**

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(4) insofar as may be consistent with the performance of the other functions set forth in this section, to provide staff, research, and planning assistance to the Judicial Conference of the United States and its committees; **[and]**

(5) Insofar as may be consistent with the performance of the other functions set forth in this section, to cooperate with the State Justice Institute in the establishment and coordination of research and programs concerning the administration of justice **[.]**; *and*

*(6) insofar as may be consistent with the performance of the other functions set forth in this section, to cooperate with and assist agencies of the Federal Government and other appropriate organizations in providing information and advice to further improvement in the administration of justice in the courts of foreign countries and to acquire information about judicial administration in foreign countries that may contribute to performing the other functions set forth in this section.*

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**§ 625. Director and Staff**

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(b) The Director shall appoint and fix the compensation of such additional professional personnel as the Board may deem necessary, without regard to the provisions of title 5, United States Code, governing appointments in competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates: *Provided, however,* That the compensation of any person appointed under this subsection shall not exceed the annual rate of basic pay of level V of the Executive Schedule pay rates, section 5316, title 5, United States Code, *except the Director may fix the compensation of no more than 5 percent of the authorized positions of the Center at a level not to exceed the annual rate of basic pay of level IV of such pay rates: And provided further,* That the salary of a reemployed annuitant under the Civil Service<sup>1</sup> Retirement Act shall be adjusted pursuant to the provisions of section 8344, title 5, United States Code.

(c) The Director shall appoint and fix the compensation of such secretarial and clerical personnel as he may deem necessary, subject to the provisions of title 5, United States Code, governing appointments in [competitive service and] *competitive service without regard to* the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

\* \* \* \* \*

<sup>1</sup> So in original. Probably should read "Service".