

UNITED STATES



OF AMERICA

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 96<sup>th</sup> CONGRESS  
SECOND SESSION

VOLUME 126—PART 10

MAY 22, 1980 TO JUNE 4, 1980

(PAGES 12041 TO 13374)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1980

By Mr. DECONCINI:

S. 2777. A bill to amend 28 U.S.C. 456; to the Committee on the Judiciary.

● Mr. DECONCINI. Mr. President, I am introducing today a bill to adjust the per diem rates of Federal justices and judges while they are in a travel status.

Presently judges receive the same per diem rates as other Federal employees and while this may have been justified in the past its present effect is to work a severe hardship on members of the Federal bench. The bill I am proposing today would increase the per diem allowance in lieu of actual expenses of subsistence from \$35 to \$50 per day. It would also increase that amount of actual expenses that could be reimbursed from \$50 to \$75 per day. These increases reflect the fact of life in 1980 that it is next to impossible to be in a travel status in most parts of our country and get by with less than \$75 a day in expenses for food, housing and miscellaneous non-travel expenses.

The hardship of an inadequate per diem allowance falls particularly heavily on the judiciary and has a very direct impact on judicial administration and the quality of justice in our Federal courts. All too often in recent years as society has become more litigious and caseloads and complexity of cases has increased, it has been necessary to call on the services of judges from throughout the country to leave their district temporarily to assist their colleagues in districts where the caseload has reached crisis proportions.

Often, these visiting judges are gone for weeks and even months at a time. It is most often the metropolitan districts that have had caseload crunches, and, of course, it is these districts where cost of living is usually also the highest. It has been the experience of too many visiting judges that to follow the call to assist a judge in another district has meant significant economic loss. This is a loss that is clearly not justified. As more and more judges have felt the financial pinch, they have declined to travel outside their districts for long periods of time to visit other districts.

I recently spoke with our distinguished former colleague, the Senator from Montana, Paul Hatfield, who is now a U.S. district judge for that State. He had accepted the request of the Chief Judge of the Ninth Circuit Court of Appeals to assist with a complicated trial in Los Angeles. It was clear from his comments that it was simply impossible to make ends meet when forced to live in temporary quarters in Los Angeles over an extended period on \$50 per day expense money. The predicament of Judge Hatfield is recurring every day throughout the country to other judges, and its continuance can only hurt the administration of justice.

I urge my colleagues to support this bill that will prevent undue economic loss for members of the Federal bench.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 456 of title 28, United States Code, is amended by striking the first paragraph and inserting the following:

"Each Justice or judge of the United States and each retired Justice or judge recalled or designated and assigned to active duty, while attending court or transacting official business at a place other than his official station, shall, upon his certificate, be paid by the Director of the Administrative Office of the United States Courts all necessary traveling expenses, and also a per diem allowance in lieu of actual expenses of subsistence (as defined in the Travel Expense Act of 1949, as amended, 63 Stat. 166; 5 U.S.C. 835) at a rate of \$50 or, in accordance with regulations prescribed by the Director of the Administrative Office of the United States Courts with the approval of the Judicial Conference of the United States, reimbursement for his actual expenses of subsistence not in excess of \$75 per day." ●

#### ADDITIONAL COSPONSORS

S. 619

At the request of Mr. MATHIAS, the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 619, a bill to prohibit taxation by a State of electricity generated in that State and transmitted to and consumed in another State.

S. 938

At the request of Mr. MATHIAS, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 938, a bill to revise section 1 of the Clayton Act to expand the scope of the antitrust laws, and for other purposes.

S. 1010

At the request of Mr. MATHIAS, the Senator from New Jersey (Mr. BRADLEY) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1010, a bill to establish a Commission on the International Application of Antitrust Laws.

S. 1945

At the request of Mr. LEVIN, the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1945, a bill to increase the accountability of, policy coordination by, and management of priorities by agencies through an improved mechanism for congressional oversight of the rules of agencies.

S. 2079

At the request of Mr. BAYH, the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 2079, a bill to improve the administration of the patent and trademark laws by establishing the Patent and Trademark Office as an independent agency, and for other purposes.

S. 2512

At the request of Mr. MATHIAS, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 2512, a bill to amend the Internal Revenue Code of 1954 to provide for a deduction for cer-

tain amounts paid into a reserve for service liability losses and expenses of design professionals, to provide a deduction for certain amounts paid to captive insurers, and for other purposes.

S. 2623

At the request of Mr. GOLDWATER, the Senator from Illinois (Mr. PERCY), the Senator from Alabama (Mr. STEWART), the Senator from Nebraska (Mr. ZORINSKY), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 2623, a bill to incorporate the U.S. Submarine Veterans of World War II.

S. 2630

At the request of Mr. JACKSON, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 2630, a bill to establish the Martin Luther King, Jr., National Historic Site in the State of Georgia, and for other purposes.

S. 2722

At the request of Mr. WALLOP, the Senator from Mississippi (Mr. COCHRAN), and the Senator from Nebraska (Mr. ZORINSKY) were added as cosponsors of S. 2722, a bill to amend title II of the Social Security Act to provide that disability insurance benefits may not be paid to inmates of penal institutions or facilities for the criminally insane.

S. 2736

At the request of Mr. SIMPSON, the Senator from Utah (Mr. HATCH) and the Senator from Utah (Mr. GARN) were added as cosponsors of S. 2736, a bill to exclude certain lands from the Grand Teton National Park.

#### SENATE CONCURRENT RESOLUTION 94

At the request of Mr. HUDDLESTON, the Senator from Louisiana (Mr. JOHNSTON) and the Senator from Mississippi (Mr. STENNIS) were added as cosponsors of Senate Concurrent Resolution 94, a concurrent resolution to express the sense of the Congress that the United States not admit more than 650,000 immigrants in fiscal year 1980.

#### AMENDMENT NO. 1777

At the request of Mr. HEINZ, the Senator from Utah (Mr. GARN) was added as a cosponsor of amendment No. 1777 intended to be proposed to S. 2352, a bill to increase the authorization for the Council on Wage and Price Stability, to extend the duration of such Council, and for other purposes.

#### AMENDMENT NO. 1778

At the request of Mr. HEINZ, the Senator from Utah (Mr. GARN) was added as a cosponsor of amendment No. 1778 proposed to S. 2352, a bill to increase the authorization for the Council on Wage and Price Stability, to extend the duration of such Council, and for other purposes.

#### AMENDMENT NO. 1786

At the request of Mr. DOLE, the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of amendment No. 1786 proposed to S. 2352, a bill to increase the authorization for the Council on Wage and Price Stability, to extend the duration of such Council, and for other purposes.