

107TH CONGRESS
1ST SESSION

H. R. 889

To require that, as a condition of receiving salary, each United States district judge must certify that certain cases before the judge have not been pending and undetermined for more than 90 days after being submitted for decision.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2001

Mr. LANTOS introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To require that, as a condition of receiving salary, each United States district judge must certify that certain cases before the judge have not been pending and undetermined for more than 90 days after being submitted for decision.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AFFIDAVIT BEFORE RECEIPT OF SALARY BY**
4 **DISTRICT JUDGE.**

5 (a) IN GENERAL.—A United States district judge
6 may not receive his or her salary for any month unless
7 the judge has submitted an affidavit to the Director of

1 the Administrative Office of the United States Courts, no
2 earlier than 7 days before the end of that month, stating
3 that, as of the date of the affidavit, no case tried without
4 a jury before the judge, and no case submitted to the
5 judge for sentencing following a trial by jury, remains
6 pending and undetermined for more than 90 days after
7 it has been submitted for decision.

8 (b) EXCEPTION.—Subsection (a) shall not apply to
9 a judge with respect to any month on account of a case
10 remaining pending before the judge for more than 90 days
11 if the judge submits an affidavit certifying that the case
12 remains pending on account of the unusual complexity of
13 the case, or other extraordinary circumstances, and in-
14 cludes with the affidavit a specific explanation of the basis
15 for the affidavit.

16 (c) SALARY WITHHELD.—In any case in which the
17 salary of a judge is not paid on account of subsection (a),
18 the salary shall be paid as soon as the judge submits an
19 affidavit stating that no case remains pending and unde-
20 cided for more than 90 days after being submitted for de-
21 cision.

22 **SEC. 2. DEFINITION.**

23 For purposes of this Act, a case has been “submitted
24 for decision” on whichever of the following occurs later:

1 (1) In a case to be tried without a jury, the
2 date on which—

3 (A) all claims and counterclaims have been
4 filed in the case; or

5 (B) all discovery in the case has been com-
6 pleted.

7 (2) In a case submitted to the court for sen-
8 tencing following a trial by jury, the date on which
9 the jury rendered its verdict.

○