

Calendar No. 75

105TH CONGRESS
1ST SESSION

H. R. 908

IN THE SENATE OF THE UNITED STATES

JUNE 4, 1997

Received

JUNE 9, 1997

Read the first time

JUNE 10, 1997

Read the second time and placed on the calendar

AN ACT

To establish a Commission on Structural Alternatives for
the Federal Courts of Appeals.

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

1 **SECTION 1. ESTABLISHMENT AND FUNCTIONS OF COMMIS-**
2 **SION.**

3 (a) ESTABLISHMENT.—There is established a Com-
4 mission on Structural Alternatives for the Federal Courts
5 of Appeals (hereinafter referred to as the “Commission”).

6 (b) FUNCTIONS.—The functions of the Commission
7 shall be to—

8 (1) study the present division of the United
9 States into the several judicial circuits;

10 (2) study the structure and alignment of the
11 Federal Court of Appeals system, with particular
12 reference to the Ninth Circuit; and

13 (3) report to the President and the Congress its
14 recommendations for such changes in circuit bound-
15 aries or structure as may be appropriate for the ex-
16 peditious and effective disposition of the caseload of
17 the Federal Courts of Appeals, consistent with fun-
18 damental concepts of fairness and due process.

19 **SEC. 2. MEMBERSHIP.**

20 (a) COMPOSITION.—The Commission shall be com-
21 posed of 10 members appointed as follows:

22 (1) One member appointed by the President of
23 the United States.

24 (2) One member appointed by the Chief Justice
25 of the United States.

1 (3) Two members appointed by the Majority
2 Leader of the Senate.

3 (4) Two members appointed by the Minority
4 Leader of the Senate.

5 (5) Two members appointed by the Speaker of
6 the House of Representatives.

7 (6) Two members appointed by the Minority
8 Leader of the House of Representatives.

9 (b) APPOINTMENT.—The members of the Commis-
10 sion shall be appointed within 60 days after the date of
11 the enactment of this Act.

12 (c) VACANCY.—Any vacancy in the Commission shall
13 be filled in the same manner as the original appointment.

14 (d) CHAIR.—The Commission shall elect a Chair and
15 Vice Chair from among its members.

16 (e) QUORUM.—Six members of the Commission shall
17 constitute a quorum, but three may conduct hearings.

18 **SEC. 3. COMPENSATION.**

19 (a) IN GENERAL.—Members of the Commission who
20 are officers, or full-time employees, of the United States
21 shall receive no additional compensation for their services,
22 but shall be reimbursed for travel, subsistence, and other
23 necessary expenses incurred in the performance of duties
24 vested in the Commission, but not in excess of the maxi-

1 mum amounts authorized under section 456 of title 28,
2 United States Code.

3 (b) PRIVATE MEMBERS.—Members of the Commis-
4 sion from private life shall receive \$200 for each day (in-
5 cluding travel time) during which the member is engaged
6 in the actual performance of duties vested in the Commis-
7 sion, plus reimbursement for travel, subsistence, and other
8 necessary expenses incurred in the performance of such
9 duties, but not in excess of the maximum amounts author-
10 ized under section 456 of title 28, United States Code.

11 **SEC. 4. PERSONNEL.**

12 (a) EXECUTIVE DIRECTOR.—The Commission may
13 appoint an Executive Director who shall receive compensa-
14 tion at a rate not exceeding the rate prescribed for level
15 V of the Executive Schedule under section 5316 of title
16 5, United States Code.

17 (b) STAFF.—The Executive Director, with the ap-
18 proval of the Commission, may appoint and fix the com-
19 pensation of such additional personnel as the Executive
20 Director determines necessary, without regard to the pro-
21 visions of title 5, United States Code, governing appoint-
22 ments in the competitive service or the provisions of chap-
23 ter 51 and subchapter III of chapter 53 of such title relat-
24 ing to classification and General Schedule pay rates. Com-
25 pensation under this subsection shall not exceed the an-

1 nual maximum rate of basic pay for a position above GS–
2 15 of the General Schedule under section 5108 of title
3 5, United States Code.

4 (c) EXPERTS AND CONSULTANTS.—The Executive
5 Director may procure personal services of experts and con-
6 sultants as authorized by section 3109 of title 5, United
7 States Code, at rates not to exceed the highest level pay-
8 able under the General Schedule pay rates under section
9 5332 of title 5, United States Code.

10 (d) SERVICES.—The Administrative Office of the
11 United States Courts shall provide administrative services,
12 including financial and budgeting services, to the Commis-
13 sion on a reimbursable basis. The Federal Judicial Center
14 shall provide necessary research services to the Commis-
15 sion on a reimbursable basis.

16 **SEC. 5. INFORMATION.**

17 The Commission is authorized to request from any
18 department, agency, or independent instrumentality of the
19 Government any information and assistance the Commis-
20 sion determines necessary to carry out its functions under
21 this Act. Each such department, agency, and independent
22 instrumentality is authorized to provide such information
23 and assistance to the extent permitted by law when re-
24 quested by the Chair of the Commission.

1 **SEC. 6. REPORT.**

2 No later than 18 months following the date on which
3 its sixth member is appointed in accordance with section
4 2(b), the Commission shall submit its report to the Presi-
5 dent and the Congress. The Commission shall terminate
6 90 days after the date of the submission of its report.

7 **SEC. 7. CONGRESSIONAL CONSIDERATION.**

8 No later than 60 days after the submission of the
9 report, the Committees on the Judiciary of the House of
10 Representatives and the Senate shall act on the report.

11 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to the Com-
13 mission such sums, not to exceed \$900,000, as may be
14 necessary to carry out the purposes of this Act. Such sums
15 as are appropriated shall remain available until expended.

Passed the House of Representatives June 3, 1997.

Attest:

ROBIN H. CARLE,

Clerk.

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